

# Law Enforcement News

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## Police heads roll in Omaha, Pittsburgh

### Omaha's Wadman labeled 'insubordinate' by Mayor after rejecting harsh discipline for officers

Omaha Police Chief Robert Wadman was fired for insubordination by Mayor Michael Boyle on Oct. 5 following Wadman's refusal to endorse stern disciplinary measures against a police captain and two lieutenants.

The three officers — Capt. John Mitchell and Lieuts. Tim Dunning and Tony Infantino — had been background figures in the drunken driving arrest of Boyle's brother-in-law, John E. Howell, on Oct. 13, 1985. The disciplinary actions taken against the three followed a 35-day investigation into the circumstances surrounding the arrest. The probe was conducted by Wadman, city labor relations director Tom Marfisi and Police Lieut. Foster Burchard, who is on special assignment as assistant public safety director.

Marfisi and the city's Public Safety Director, Keith Lant, contend that the arrest was made in order to lure Boyle into intervening on his brother-in-law's behalf, which could have been a violation of Federal law. Boyle backed up that contention several weeks ago at a press conference.

The internal investigation was initiated when two police officers, James Alexander and Tom Mar-



Robert Wadman

fin, told Lant in August that they had been instructed to arrest Howell in order to see if anyone would intervene in the case. Mitchell, Dunning and Infantino were all involved in the plans discussed prior to Howell's arrest.

At the close of the investigation, which included polygraph tests for several officers, Wadman concluded that Howell had not been arrested to trap Boyle — a conclusion that Lant and Marfisi rejected. When Wadman proposed a letter of reprimand for Infantino, a one-day suspension for

Dunning and no disciplinary action for Mitchell, Boyle's cabinet rejected the recommendation and proposed harsher measures.

The discipline sought by Lant included a 30-day suspension for Dunning, a 3-day suspension for Infantino and the dismissal of Capt. Mitchell.

According to the Omaha World-Herald, the severity of discipline was based on Lant's and Marfisi's belief that the officers had lied or been evasive during the investigation.

Wadman initially agreed to sign the disciplinary orders but subsequently changed his mind. "If I don't stand up for my people when they're right, then the purpose of being a police chief is lost from that moment forward," he said.

While Wadman and the other investigators have agreed on the most basic facts of Howell's arrest, the interpretation of those facts has differed dramatically.

Howell, the son of Douglas County Treasurer Sam J. Howell, came to the attention of police during a joint local-Federal gambling investigation. Howell had previously been indicted by a Federal grand jury on a felony gambling charge in 1983. He was

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### Pittsburgh's Norton sacked as IACP prez term draws to a close

A tenure marked by controversy was brought to a close earlier this month when Pittsburgh Mayor Richard Caliguiri fired the city's Public Safety Director, John J. Norton.

Caliguiri's action came less than a week before Norton concluded his one-year term as president of the International Association of Chiefs of Police on Oct. 8.

The Mayor announced the firing by saying that the city's continuing focus on Norton rather than on Pittsburgh's public safety program had seriously hampered the Director's effectiveness. Norton's departure from city government, said Caliguiri, was "inevitable."

Since his appointment 15 months ago, Norton's leadership of the newly created public safety department has been laden with controversy. According to one source, he was often out of town on IACP business and he had slighted a number of community groups by not showing up at scheduled meetings. In addition, Norton's proposal to consolidate the city's nine police zones down to five was strongly opposed by the city's Fraternal Order of Police chapter.

In the weeks before the ax fell on Norton's tenure, the director

was accused of billing both IACP and the city for expenses he incurred between April and July 1985 while interviewing for the Pittsburgh position. Norton explained that he was "flat broke" when he charged \$1,092 worth of expenses on his IACP credit card. "I had no other way of dealing with the situation," he told the Pittsburgh Post-Gazette.

At the time he was interviewing for the position, Norton was first vice president of the IACP. He was appointed public safety director in July 1985 and assumed the IACP presidency in October of that year. Norton had formerly been chief of the California State Police but after being ousted from that job accepted a lower paying job as police chief of Parkersburg, W. Va., in October 1984.

Norton contends that at the time the double-billed expenses were incurred, he was maintaining two households, one in California and one in West Virginia. "I was living on 50 percent of what I had been making," he said.

IACP executive director Jerald Vaughn has denied Norton more than half of some \$4,700 in reimbursement requests for IACP

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### As manpower pool shrinks:

## Police eye leniency on applicants' drug use

Police administrators in many areas are being forced to adopt a more lenient policy toward applicants' drug histories as it becomes increasingly apparent that large percentages of the nation's adolescents and young adults have tried marijuana or harder drugs at least once while in high school or college.

According to police officials, departments have been hard pressed over the past several years to find applicants who have not at least experimented with a controlled substance. Although policies differ, a roundup of departments from across the country indicated that most allowed for past drug experimentation if it occurred no sooner than one year prior to applying to the department.

Most departments will not bar the hiring of an applicant who has experimented with marijuana. Some departments, such as the Metro-Dade Police Department in Florida, also make an allowance

for a one-time experimentation with harder drugs such as cocaine or heroin. The Baltimore County Police Department, on the other hand, places a permanent ban on the hiring of any applicant who has used hallucinogens, such as LSD or PCP.

A recently released survey by the National Institute on Drug Abuse indicated that nearly 37 million people — about one out of every five Americans 12 years of age or older — had used one or more illicit drugs within the past year.

More than 1 in 10 reported using a controlled substance at least once in the past month. Nearly 5.8 million people use cocaine at least once a month — a 38-percent increase over three years — and among employed Americans between the ages of 20 and 40, one out of six said they smoked marijuana at least once a month.

The NIDA survey's figures, said one Federal official, are "conservative."

Police administrators, such as Chief Joseph McNamara of San Jose, concede that the majority of people have "probably experimented with marijuana or something of that nature once in their lifetime." Compounding the problem for the San Jose police, said McNamara, is the department's two-year college requirement which, he said, "lowers the available recruiting pool" — and, arguably, increases the likelihood of an applicant's having been exposed to drugs.

Recently, the Fairfax County, Va. Police Department rejected 92 percent of its applicants for 1986. While that failure rate is not unusual, said Lieut. Col. Michael W. Young, the increasing number of those who were rejected at least in part for prior drug use is unusual. Seventy-five percent of those rejected had drug problems, he said.

As with most administrators contacted, Young agrees that drug experimentation is "a fact of

life in this country" and puts little if any weight on juvenile behavior. "If you had a juvenile problem that was not extremely serious we will not use that as a denial point. We look at things primarily in the area of a normal possibility for a person to have experimented with drugs," he said. Lieut. Robert Rankin of the Newark Police Department said that if it is clear through background checks that an applicant used marijuana only once or twice, then he would probably be accepted onto the force, barring any other disqualifying factors.

That approach is also true of the Baltimore County Police Department. One of Col. Phillip Scarborough's tasks as commander of administrative services is to examine the personnel folder of each applicant. "It is the exception to find one who has not experimented with drugs. When I find one that is drug-clean, I raise my eyebrow and say 'My goodness.'" Marijuana use up to

one year prior to employment is not considered an automatic ban toward hiring.

As with most departments, the Metro-Dade Police does not ban anyone from being hired solely on the basis of marijuana experimentation. According to Ed Valdez, executive officer of the department's Human Resources Center, the department is allowing for drug experimentation because of the "age and peer pressure." It is quite common, he said, to see drug usage on an application.

"There is some flexibility if the recruit has smoked marijuana once or twice," added Ray Laing, a public information officer with the Miami Police Department. If it was several years prior to hiring and under special circumstances, he said, the applicant is not immediately disqualified but taken under consideration. "If somebody applies to us who is 22 or 23 and maybe back in high school he says he smoked it once

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# Around the Nation

## Northeast



**MASSACHUSETTS** — City officials in Lawrence are looking to curb certain court appearances by police officers, based on concerns that officers might be making "frivolous" arrests in order to get an extra half-day's pay for court dates. During the first nine months of this year, the city paid \$194,513 in court-related overtime.

Seizures of crack in the state reached a record level last month, but law enforcement and public health officials say use of the drug is spreading much more slowly than they had once feared. Authorities said the slow spread of crack usage was due more to weak demand than to a lack of supply.

**NEW JERSEY** — Major crimes in the state rose 7 percent during the first half of 1986 as compared to the same period in 1985, according to the state police. Rural crime dropped 17 percent.

The drug checks that were implemented at the exit ramps from the George Washington Bridge last month have resulted in 95 arrests so far, including 19 motorists who were charged with driving under the influence of narcotics. The random stops, conducted on Sept. 12, 18 and Oct. 2, also led to 40 charges of possession of narcotics or drug paraphernalia.

**NEW YORK** — The Nassau County Police Department, which has been in the grip of what it calls a serious manpower shortage, moved 150 officers closer to desired strength earlier this month, when 150 recruits graduated from the county police academy. With the new officers, the force has about 3,200 sworn personnel. The department's goal is 3,400.

John Guido, chief of inspection services for the New York City Police Department, retired on Oct. 15 after 40 years on the job. The 61-year-old corruption fighter had held his present post, which includes oversight of the internal affairs division, since 1977.

New York State Police have received \$667,000 in the year since the Federal Government began sharing the proceeds of property seized in drug arrests.

**PENNSYLVANIA** — Linda Weaver, a 4-year veteran of the Johnstown police force, was named as the city's police chief on Oct. 7, thus becoming the only female police chief in the state. Weaver had been the only female officer in the 52-member department.

**VERMONT** — For the first time in three years, the state has met Federal speed-limit compliance standards. Fifty-two percent of the motorists clocked in 1986 were within the 55-mile-an-hour limit. As a result, the state will not have to forfeit millions in Federal highway funds.



**FLORIDA** — Trial began late last month for seven present and former Miami police officers charged in a cocaine racketeering conspiracy. Coincidental with the start of opening arguments in the trial, two Miami detectives were arrested and charged with shooting into the home of a former drug dealer who is cooperating with Federal agents.

Laurel Hill Police Chief Robert Hendry, who was appointed as the town's only lawman at the age of 19 last March, has been fired by the Town Council. Hendry, whose youth won him a nationwide celebrity status, fell prey to

charges by residents that he used the police car for out-of-town personal business and had been driving recklessly.

The parents of a Palm Bay police officer who was killed after riding alone into an area known for street crimes have started a fund-raising drive to help the city double up on police patrols. Officials in the Brevard County city say that they can't afford two officers per patrol car because of a low tax rate. Officer Steven Pollak was found mortally wounded on the morning of Sept. 27.

Some drug offenders convicted in Judge Mark A. Speiser's Fort Lauderdale courtroom have been required to wear a lapel button saying "Just Say No to Drugs" while on probation. Speiser had the buttons made up for minor violators he felt could benefit from the positive reinforcement.

**TENNESSEE** — Sheriff C. David Seaton Jr. of Hardin County was indicted Oct. 1 by a Federal grand jury on charges of protecting drug dealers and conspiring to sell drugs. Seaton's chief investigator, Richard Hammett, was also among 14 people named in the indictment. Seaton, 44, is the ninth present or former Tennessee sheriff to be indicted on drug charges in the past four years. Seven have been convicted and the others pleaded guilty to criminal charges not related to drugs.

The Tennessee Highway Patrol is out to lick highway fatalities, and children across the state have been enrolled in the effort. Beginning Sept. 29, troopers began rewarding children who are wearing safety belts or using child restraints by giving each child a lollipop wrapped in a bright green wrapper bearing the message "Lick Highway Fatalities."

State troopers will spend an additional 11,000 hours next year patrolling interstate highways

## Midwest



**ILLINOIS** — The U.S. Equal Employment Opportunity Commission has sued the Illinois State Police, charging that the agency violates age discrimination laws by refusing to hire new troopers older than 40. The state police merit board has maintained that recruits must be younger than 37 when they enter the state police training academy.

**KENTUCKY** — A Federal judge in Louisville has ordered Jefferson County to free 50 nonviolent inmates per day to relieve overcrowding at the county jail. At least 210 inmates who have served at least one-third of their sentences are eligible for release.

**MICHIGAN** — Detroit Police Officer Everett Williams, 33, was apparently mistaken for a burglar and shot to death by a 53-year-old homeowner on Sept. 27. The shooting occurred just as festivities for the city's "No Crime Day" were getting underway across town. Williams became the fourth Detroit officer to die in the line of duty this year. Soon after the officer's death, the Detroit Police Officers Association urged its members not to go a dispatched run without a backup, and urged plainclothes officers not to make arrests without assistance.

**OHIO** — The city of Hamilton is considering changing its physical exam for police and firefighters to insure that the exam doesn't put women at a disadvantage.

**WEST VIRGINIA** — Marshall County Sheriff Donald Bordenkircher has abandoned plans to arm and train "weekend officers" to help handle emergencies at the state prison in Moundsville. The local Fraternal Order of Police had threatened to sue to stop the program.



**IOWA** — More than two-thirds of all convicted drug dealers in the state don't go to prison, according to a study by the Statistical Analysis Center. Moreover, the study said, those who do serve time will probably get early parole.

State legislators are expected to raise the speed limit on rural Interstate highways to 65 miles per hour if Congress permits the change. A spokesman for Gov. Terry Branstad said the Governor would favor a speed-limit hike.

**MONTANA** — Madison County Sheriff Johnny France, who became a national hero in 1984 after he single-handedly captured two mountain-men fugitives, is waging a desperate write-in bid to keep his job in the November election. France lost the Republican primary in June to one of his deputies, Richard Noorlander. France, 46, said he wanted to keep his job because the county couldn't risk having "an untried, uncertain and inexperienced" officer in the sheriff's office.

**NEBRASKA** — Kearney Police Chief Robert Jatezak resigned earlier this month, citing personal reasons. Capt. Bill Mizner and Dan Lynch were named to head the department.



**ARIZONA** — A 35-year-old man believed to be the "prime-time rapist" — who had been sought by a Tucson police task force for three months — killed himself Sept. 24 as police moved in to arrest him in connection with two 1985 rapes. Brian Frederick Larriba, who shot himself in the head with an automatic pistol, had been the prime suspect in a string of 30 sexual assaults that dated back to August 1983.

**TEXAS** — The State Legislature has given overwhelming approval to a bill that would raise the speed limit on Interstate highways to 65 as soon as Congress eases the current 55-mile-an-hour limit. Gov. Mark White has said he supports the measure.



**CALIFORNIA** — Border Patrol agents in the San Diego sector will soon be getting infrared scopes to help their effort to track illegal aliens and drug smugglers along the border with Mexico. The new vehicle-mounted scopes will extend 30 to 32 feet high, will be able to rotate 360 degrees and tilt to monitor the hilly terrain near the border.

**NEVADA** — Maj. Paul McGowan, 38, became head of the state Highway Patrol on Oct. 6, succeeding Jim Struempf, who retired.

**OREGON** — The state Court of Appeals has ruled that bicycle riders can be charged with drunken driving but can't be forced to take breath tests, such as are required of motorists.

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# Charges of NYC graft soar

It didn't take long for the volume of complaints made to the New York City Police Department's Internal Affairs Division to start soaring following the disclosure that 13 police officers from the 77th Precinct in Brooklyn had been suspended for allegedly extorting drugs and money from narcotics dealers while working the midnight to 8:00 am shift.

According to Assistant Chief Daniel F. Sullivan of the Internal Affairs Division, publicity surrounding the scandal tended to heighten public awareness of the police department and made individuals more "inclined to call about things that happened to them in the past."

In the week after the scandal began to break, the number of complaints of alleged police corruption jumped from 250 per week to 310. Most of the calls, said Sullivan, concerned misconduct such as shaking down motorists or contraband in police cars. "Sometimes a marijuana cigarette is found in a radio car," he said. "Since it is a radio car and police are responsible for that vehicle, it might show inferred misconduct on their part but in most cases, when they're bringing the prisoners to the station house, if he [prisoner] doesn't get thoroughly searched on the street, they decide to dump it in the radio car and not get charged with possession of marijuana on top of whatever they may have been initially charged with."

About 10 percent of the corruption complaints IAD receives each year are substantiated, said

Sullivan.

The allegations of extortion by 12 officers and one sergeant at the 77th Precinct came to light on Sept. 23 after the completion of an 18-month probe into the alleged scheme. IAD investigators had initiated the inquiry upon persuading a jailed narcotics dealer to secretly tape-record two officers who were involved in the thefts, sources said.

The two officers who subsequently became IAD informers, Anthony Magno and Henry Winter, were used by the internal affairs investigators to recruit other officers to mug drug dealers — sometimes at gunpoint — and steal their wares in order to sell them to other drug dealers.

Those officers who have been suspended on charges of conduct unbecoming a police officer were: Sgt. Robert Jervas; Officer William Gallagher; Officer Brian O'Regan; Officer Frank Lauria; Officer Nicholas Scaturico; Officer Robert Rathbun; Officer Gilbert Ortiz; Officer James Day; Officer Crystal Spivey; Officer Thomas Murphy; Officer David Williams; Officer Albert Smolinski and Officer Thomas Brennan.

While sources say the 13 involved in the scandal did not form an organized ring, "the bad guys" were known to each other. In fact, the group was known throughout precinct locker rooms in Brooklyn as "Ali Baba and the 40 Thieves." They communicated, sources said, using a special code. "You'd hear on the radio 'Vodka and Seven' and you'd know some cops were communicating to one another but you would not know

what it meant," said one veteran cop.

While the cash amounts allegedly stolen from dealers was small — about \$200 a dealer — sources said investigators believed some cops had been involved in the extortion scheme for years.

The trouble at the 77th Precinct marks the second time in the past several years that the NYPD had a major scandal on its hands. The last time was in 1983 when 15 former and present officers were charged with taking payoffs from Manhattan after-hours clubs.

According to Charles Hynes, the state special prosecutor who helped prepare the case against the 77th's 13 cops, the reforms enacted by the Knapp Commission in 1972 enabled him to conduct an effective investigation. While special narcotics units in the early 1970's were found by the Knapp Commission to be almost "100 percent corrupt," New York City Mayor Edward Koch contends that the Brooklyn case is an isolated outgrowth of the drug epidemic. In one respect, the case shines a spotlight on something police commanders have lately warned about, namely that drugs and the money they generate pose a threat to the integrity of law enforcement.

As for the officers at the 77th precinct, there have been reports of a growing fear among police officers that a loss of credibility by the police will make them fair game for anyone busted on a narcotics charge to turn around and accuse the arresting officer of corruption.

# Newport News PD takes PRIDE in its problem-solving work

In the course of Sgt. Marvin Evans's tour of duty with the Newport News, Va., homicide squad, he investigated the murders of people unfortunate enough to have committed such reprehensible wrongs as serving fried chicken too many times in one week, bringing home Marlboro cigarettes instead of Winston's and allowing breakfast to get cold. Murder, Evans concluded, is stupid.

Evans tracked 28 homicides over an 18-month period that ended in July 1986. What he found was that most murders are an escalation of domestic violence. "The individual reason might be because somebody had chicken for dinner too many times — stupid reasons that provoked the violence that triggered the murder," he said.

Using a "crime-analysis model," which is the primary instrument of a program called "problem-oriented policing," Evans came up with a hypothesis and subsequently a program — PRIDE (Police Response to Incidents of Domestic Emergency) — which is believed to have been the main reason why murder in Newport News decreased by almost 80 percent this year.

Problem-oriented policing, a project conducted by the Newport News Police Department and the Police Executive Research Forum (PERF), gives police the opportunity to look at problems to find solutions that may lie beneath the surface,

creating many of the crimes they respond to. In addition, police are encouraged to enlist outside assistance from state, Federal and local agencies to accomplish that objective.

The program poses a four-part method for dealing not only with the crime at hand but for eliminating the underlying cause of the problem. Initially, officers identify groups of similar or related events that are a problem. Information is then collected from a variety of sources describing the nature, causes and results of each problem. Working with private citizens, local businesses and public service agencies, officers then develop and implement solutions. In the final phase, officers evaluate the approach taken to see if the problems were reduced.

Armed with a checklist — the principal tool of the project — Newport News officers of all ranks went about their duties while answering the sorts of questions that cops often ask themselves: What happened? When? Any witnesses? The crime-analysis model, however, covers far more points than officers usually examine and places them in a logical sequence so that a bigger picture of the problem is presented.

In filling out his crime-analysis form, Evans noted that in only a few cases were murderers and

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## Dropping a dime against crime:

# NIJ lauds Crime Stoppers efforts

Being a good citizen is only a phone call away if your community happens to have a Crime Stoppers program.

Crime Stoppers — also known by such names as Crime Solvers, Secret Witness and Crime Line — is a program that awards money for anonymous telephone tips that lead to the arrest or conviction of a wanted criminal. A recently published evaluation of the program by the National Institute of Justice — the first such assessment in the program's 10-year existence — hailed the concept as "a significant grass-roots movement."

The program provides citizens with a means of fighting crime without fear of retaliation. In addition, monetary rewards are offered as an inducement to those individuals who, out of apathy, might not otherwise volunteer information to police.

Crime Stoppers is based on the notion that without information from witnesses the chances of solving a crime are greatly reduced. The program began as the brainchild of Police Officer Greg MacAleese who introduced the

program in Albuquerque, N.M., in 1976. While other programs like Crime Stoppers had been developed before, MacAleese's program was the first to place the news media in a key role.

From MacAleese's germ of an idea in Albuquerque, the program has grown to an estimated 600 local chapters today, in the United States, Canada and New Zealand.

Crime Stoppers incorporates three elements — law enforcement, media and community. The media's participation involves educating the public about Crime Stoppers' goals as well as regularly publicizing details of unsolved offenses by presenting a reenactment of a particular "Crime of the Week." Law enforcement personnel make up the Crime Stoppers staff, gathering the information phoned in by anonymous callers and directing tips to detectives for further investigation. The police coordinator serves as liaison between the media, the public and investigators in addition to selecting the crime to be publicized each week.

The community's contribution

is represented by the board of directors of a nonprofit organization which sets policy, coordinates fundraising and formulates a system of rewards.

Developed specifically for "dead-end" cases — those which were not solved after lengthy investigations — Crime Stoppers has reportedly led to the solution of 92,339 felonies and the recovery of \$562,219,371 in stolen property and narcotics — an average of \$6,089 a case. Out of 21,959 defendants tried, Crime Stoppers International asserted, 20,992 were convicted — a 95.5-percent conviction rate.

NIJ's evaluation cautioned, however, that the program shows little chance of "immediately or substantially [reducing] the overall crime rate in most communities." While numerous crimes are cleared through Crime Stoppers programs, said the report, "they amount to only a small fraction of total serious crimes in most communities."

Crime Stoppers, said the report, could be improved by implementing a better, standardized, record-keeping policy. "There are

few standardized goals or definitions across programs by which effectiveness can be compared," it said.

Nationally accepted standards for assessing performance are needed, said the report, which will be fair to most programs regardless of the size of the population served or the amount of crime reported. Crime Stoppers, it said, tends to be biased toward larger programs with a high volume of narcotics cases.

In addition, answers must be found for legal queries which have been raised about protecting Crime Stoppers from "personal liability for false arrest, defamation, invasion of privacy and civil rights violations as well as questions about using paid callers to establish probable cause and the upholding of legal privilege of maintaining the anonymity of callers."

Crime Stoppers participants, said the NIJ analysis, should keep on top of these issues and adopt safeguards such as incorporating the program and invoking government immunity against harmful litigation.

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# People and Places

## Tombstone blues

In the town that calls itself "too tough to die," a lawman proved too "inexperienced" to keep his job. Tombstone, Ariz., Mayor Alex Gradillas said recently that when Town Marshal Roy McNeely's contract expires in December, the town will be on the lookout for another straight-shooter to fill the position.

Gradillas said that while McNeely can do the job, the town would be "more at ease having somebody more qualified."

Since his appointment in 1984, McNeely has practiced a rigorous brand of law enforcement which some Tombstone residents claim has ruined the tourist trade. Gradillas chalks up some of the town's displeasure with McNeely to inexperience. "I feel that not being an experienced person, he [McNeely] wants to overreact. I think that's where people feel he's trying to harass them, because of the way he approaches them."

During McNeely's tenure, traffic tickets in the famous town went from about 20 a month before McNeely was hired to as many as 136 a month in 1985.

"He [McNeely] has ruined the tourist trade by issuing so many tickets," said Nancy Warner, an employee of Opal's Realty. "Some of them need to be given, but some of them should have been overlooked."

Gradillas is also hoping that a more experienced lawman will be able to help the city avoid lawsuits like the \$4.1-million action filed in U.S. District Court by James P. Nord, who alleged selective law enforcement and harassment by city officials.

"Nowadays you have a lot more cases coming up with suing for this and that," said Gradillas. A more experienced lawman, he said, is able to recognize a situation where a lawsuit is a possibility and avoid it.

As for Marshal McNeely, he's not leaving town. No sir. "This is a great town. I love it," he said. Although he is retiring from law enforcement, McNeely is staying on in Tombstone and plans to become a private investigator and open a souvenir shop with an Old West-movie theme.

Under McNeely's leadership, the town did increase its staff of deputies to seven, acquired three new police cars and added a new computer and radio system. "I know I can walk away with my head held high," he said. "I

brought this department from the 1800's to the 20th century."

McNeely intends to stay on until his as-yet-unnamed replacement is trained. Although town councilman and police commissioner Beo T. Traywick is aware of Gradillas's decision, Traywick said he saw nothing wrong with the way McNeely enforced the law. On the other hand, Councilman Martin L. Devere said that while he liked many of the things McNeely has done for the department, the majority of the council "felt we should go out and hire another marshal because of the current controversy."

## Deja view

The Newark Police Department is nowhere near as large as the neighboring New York City Police Department, but to Patrick V. Murphy, the problems facing the Newark force are the same, if not proportionately greater than, the problems he recalls from his days as New York's police commissioner.

Murphy is part of a team of experts that has been brought in to examine and evaluate the productivity and management of every branch of Newark government by Sharpe James, the city's newly elected Mayor. During the course of the evaluation, Murphy will pay particular attention to the management of the 1,100-member police force. A public report is scheduled to be issued by the end of October.

Said Murphy: "The Newark Police Department has the toughest job in the country. They're doing the best they can with severe handicaps, a lack of facilities and equipment. But we're going to try to help them to do even better."

Newark is plagued by a high volume of serious crime, including drug offenses, and the highest rate of violent crime in the nation. In addition, Police Director Louia Greenleaf contends that he is understaffed and needs more officers. "That's a question no one has really answered," said Murphy, "what is the number of police officers a city needs?"

Murphy is a great believer in civilianization, the process whereby non-sworn personnel are used in a variety of police department functions in order to get more uniformed officers out on the street. Murphy's own efforts to civilianize the New York police

were cut short by the city's fiscal crisis during the early to mid-70's.

Careful examination is being given by Murphy and his fellow evaluators to the Newark department's police-community relations, with a special emphasis on race relations. The department does not reflect the city's racial makeup, which is 60 percent black, said Murphy. Part of the problem with increasing minority hiring in Newark, he says, is the state Civil Service process. "I would like something on that subject to get into our report," Murphy noted.

Another aspect of the department that will be given a closer look is police brutality and corruption. According to Murphy, a lot of work was done on the excessive use of force and brutality during the 16-year tenure of former Mayor Kenneth Gibson. But, he added, the city still has a long way to go toward reducing police brutality against minorities.

In terms of corruption, Murphy said that while there were a few incidents of corruption during the first few years of Gibson's tenure, they were "individual and not organized corruption." Those problems may still lurk beneath the surface, he said, but a lot has already been done about them.

## Aloha Lois

It's back to private life for Lois Haight Herrington, whose resignation as assistant U.S. attorney general became effective this month.

Herrington, a former prosecutor with the Alameda County, Calif., District Attorney's office and former United States delegate to the United Nations, was the sixth woman in the



Lois Haight Herrington

history of the Justice Department to have been appointed assistant attorney general. Her appointment was confirmed by the Senate on June 22, 1983. At that time, she was serving as acting administrator of the Justice Department's Office of Justice Assistance, Research and Statistics.

An acclaimed and forceful advocate of victims' rights, Herrington chaired the President's Task Force on Victims of Crime and is the current chairman of the National Crime Prevention Coalition.

Herrington said that in private life she intends to pursue the same goals — working for victims and for crime prevention — that she did in her public endeavors. "The time has come for me to make the transition back to my private life," she said.

Richard B. Ahel, deputy assistant attorney general in the Office of Justice Programs, formerly headed by Herrington, will be in charge until another assistant attorney general is appointed.

"It has been an honor to serve President Reagan and two Attorneys General, William French

Smith and Edwin Meese 3d," said Herrington.

## A hero's reward

His exploits might have been part of a team effort, but Special Agent Edmundo Mireles Jr. of the FBI is the one who got the Police Officer of the Year award from Parade magazine and the International Association of Chiefs of Police at the IACP's convention this month in Nashville, Tenn.

Mireles is still recovering from wounds he received during one of the bloodiest shootouts in FBI history. On April 11, Mireles and his partner, Special Agent John Hanlon, were staking out several South Miami banks when they spotted a stolen car that had been used in an earlier robbery.

What ensued was a gun battle that left agents Ben Grogan and Gerald Dove lying dead and five other agents wounded.

Before collapsing to the ground, Mireles, who was seriously wounded in the head and arm, killed the gunmen, William R. Matix and Michael L. Platt.

Since the shootout, Mireles has had two operations on his arm and is scheduled for a third. He plans to return to work in several weeks as a night duty agent. The desk job, he says, "is something I have to accept — at least for now."

Following the Miami shootout, FBI Director William H. Webster ordered all agents to wear body armor when apprehending armed suspects. In the past, the decision to wear body armor was made by the agency's local supervisors. While body armor would not have saved the two slain agents, who were shot in the head, Webster indicated that it could prevent deaths in similar incidents.

## Norton sacked in Pittsburgh

Continued from Page 1

that five months ago Norton ordered an investigation of Flaherty for possible involvement with cocaine. The investigation was revealed to associates at the IACP convention in Nashville this month.

Pittsburgh city officials said the investigation of Flaherty was shelved because they could find no evidence to justify continuing it. Flaherty, who has denied any involvement with illegal drugs and has gone so far as to submit to a voluntary urinalysis, called the investigation a "political fishing trip."

Norton was also reported to have ordered an investigation of the Pittsburgh moving company that moved his belongings from California to Pittsburgh because he felt he had been overcharged. According to one source, the investigation was seen by some as a way of intimidating the moving company into lowering its bill.

Norton is currently in Divine Providence Hospital in Pittsburgh, where he is being treated for stress. "John Norton made a contribution to the modernization of our public safety program and for that he has my gratitude and that of the citizens of Pittsburgh," said Caliguiri. "Unfortunately his handling of the relationship with his professional organization along with the accompanying publicity on it renders his leadership ineffective at a time when it is most needed."

Caliguiri added that although it is impossible to avoid criticism when occupying an important public post, the director of public safety must maintain the confidence of the citizens.

"Unfortunately, Director Norton's judgment has been called into question by the public and the media, thereby shifting attention to him and away from the goals of the program," he said.

## What They Are Saying

"It is the exception to find one who has not experimented with drugs."

Col. Phillip Scarborough of the Baltimore County Police Department, noting the difficulty of finding drug-free applicants to police forces. (1:4)



# NYC crime commission gets the job done

On Nov. 1 a law aimed at attacking organized crime and official corruption will go into effect in New York State. Modeled after the Federal Racketeer Influenced and Corrupt Organizations



## Burden's Beat

Ordway P. Burden

(RICO) Act, the new law will make it easier for prosecutors to prove patterns of criminal activity and their connections with enterprises controlled by organized crime.

The missionary work required to shepherd the bill through the Legislature was done in large part by the New York State Law Enforcement Council, a coalition of the state association of chiefs of police, sheriffs' association, district attorneys' association, Attorney General's office, the New York City Criminal Justice Coordinator and the Citizens Crime Commission of New York City. Notice anything unusual about that list? Five of them are representatives of official criminal justice agencies. The sixth — the Citizens' Crime Commission — is an "outsider."

It's an influential outsider, though, because the commission



New York Gov. Mario M. Cuomo (r.) congratulates Dr. Thomas A. Repetto (l.), president of the Citizens Crime Commission of New York City, after Repetto was named Governor's Law Enforcement Executive of the Year for 1986. Looking on at the ceremony, which took place on Oct. 1 during the annual New York State Law Enforcement Forum, is Lawrence T. Kurlander, the state Director of Criminal Justice.

is widely respected for its objectivity, the thoroughness of its studies, and the soundness of its recommendations. The crime commission is an independent, nonpartisan, nonprofit watchdog of the entire criminal justice system — police, courts and corrections — and is funded by contributions from businesses and foundations.

"We had a great deal to do with

passing the state RICO law," proclaimed Dr. Thomas A. Repetto, the commission's president. "In February everybody said there would be no RICO law." In July, following public education forums featuring U.S. Attorney General Edwin Meese 3d, Gov. Mario M. Cuomo, U.S. Attorney Rudolph W. Giuliani and New York Mayor Edward I. Koch, RICO was signed into law by

Governor Cuomo. It was a signal triumph for the crime commission and its colleagues in the Law Enforcement Council.

The commission also joined with the council this year in an effort to get more judges for New York City's Criminal Court, which, the commission has stated, "is drowning in cases and is on the verge of collapse." Noted Repetto, "We urged 40 more

judges for the Criminal Court, and everybody said there won't be even one. But now the Governor has announced that he will ask the Legislature to give 40 more judges, and it's reported that legislative leaders have agreed."

The crime commission is in the thick of the fight against drug abuse as well, with Repetto having been named to the Statewide Drug Enforcement Task Force — the only member named from the private sector. The task force will be more than a mere advisory board; task force chairman Lawrence T. Kurlander, the state's Director of Criminal Justice, has promised that the group will make investigations, arrests and prosecutions.

Since its founding in 1979, the Citizens Crime Commission has turned its spotlight on many problems in New York City's criminal justice system. Among other things, the commission has supported increasing the number of city police officers, successfully urged reform of the jury selection process and more prison space for dangerous offenders, and focused public attention on programs aimed at career criminals. The crime commission has also repeatedly urged — thus far without success — that the city's Transit Police be merged with the New York City Police

Continued on Page 12

## Supreme Court review: double jeopardy rulings

The 1985-86 term of the Supreme Court was the last with Chief Justice Warren Burger at the helm. Although the first Monday of October — the traditional



## Supreme Court Briefs

Jonsh Triebwasser

start-up date for the Court — is behind us, and with it the start of the new Rehnquist Court, we await actions by the Court. During this waiting period, Law Enforcement News is presenting a review of the major criminal justice decisions during the final year of Chief Justice Burger's tenure.

In this issue we look at cases involving double jeopardy, the constitutionally-proscribed exercise of trying a defendant twice for the same offense.

### Separate sovereignty

*Heath v. Alabama*, 54 L.W. 4016 (Dec. 3, 1985).

Heath hired two men to kill his wife. They kidnapped her in Alabama, and she was later found dead in Georgia. Heath was prosecuted for murder in Georgia, pleaded guilty and was sentenced to life imprisonment. He was then indicted in Alabama for murder

during kidnapping, which, under Alabama law, was punishable even though the murder occurred outside the state so long as the kidnapping was initiated in Alabama. Heath pleaded double jeopardy, and the plea was rejected. He was then convicted and sentenced to death. The conviction was affirmed by the Alabama Court of Criminal Appeals and by the Supreme Court of Alabama.

The U.S. Supreme Court also affirmed, in an opinion by Justice O'Connor. The Justice noted that under the separate sovereignties theory, cited in *Barth v. Illinois*, 359 U.S. 121 (1959), a single act may result in an offense against two different states. In such a situation, a state is not barred by double jeopardy principles from prosecuting merely because another state has won the race to the courthouse.

Justices Brennan and Marshall dissented.

### Upping the ante

*Morris, Superintendent v. Mathews*, 54 L.W. 4215 (Feb. 26, 1986).

Mathews and Daugherty robbed an Ohio bank. Subsequently Mathews and Daugherty were surrounded by police while hiding in a farm house. Mathews shot Daugherty, but claimed it was suicide. Mathews pleaded guilty to aggravated robbery and was sentenced. Thereafter, the

coroner discovered that the Daugherty's death was caused by multiple gunshot wounds, and Mathews admitted the shooting. He was then charged with aggravated murder (felony murder committed while fleeing after committing aggravated robbery). He was convicted and the conviction was sustained by the Ohio Court of Appeals. The Supreme Court of Ohio denied review.

The U.S. Supreme Court granted certiorari and remanded the case for reconsideration in light of *Illinois v. Vitale*, 447 U.S. 410 (1980), which held that a prior prosecution for a lesser included offense would preclude subsequent prosecution for the greater offense.

On remand, the Ohio Court of Appeals held that *Vitale* barred the conviction for aggravated murder but modified the conviction for murder (which was not barred by double jeopardy) and reduced the sentence to 15 years to life. The Supreme Court of Ohio denied review and the U.S. Supreme Court denied certiorari.

On petition for habeas corpus, the U.S. District Court denied relief, but a divided panel of the Court of Appeals for the Sixth Circuit ordered a new trial on the ground that there was "a reasonable possibility that he was prejudiced by the double jeopardy violation."

On certiorari, in an opinion by

Justice White, the appellate court was reversed and remanded for reconsideration. A new trial is required, Justice White wrote, only when the defendant shows a reliable inference of prejudice. "We hold that when a jeopardy conviction is reduced to a conviction for a lesser included offense which is not jeopardy barred, the burden shifts to the defendant to demonstrate a reasonable probability that he would not have been convicted of the non-jeopardy barred offense absent the presence of the jeopardy-barred offense," the Justice wrote. "In this situation we believe that a 'reasonable probability' is a probability sufficient to undermine confidence in the outcome."

The "reasonable possibility" standard employed by the Court of Appeals — which could be satisfied by an "exceedingly small showing" — was not suffi-

ciently demanding.

Justices Blackmun and Powell concurred in the judgment, though they would have used a standard of "harmless beyond a reasonable doubt." Justice Marshall dissented.

### Insufficient evidence

*Smalis v. Pennsylvania*, 54 L.W. 4443 (May 5, 1986).

At the close of the prosecution's case, the trial judge dismissed charges of murder, voluntary manslaughter and causing a catastrophe (all in connection with a fire in the premises owned by the defendants) on the grounds that the state's evidence was insufficient to justify a finding of guilt beyond a reasonable doubt of setting causing to be set the fire in question. This ruling came on a demurrer (a pleading that the facts alleged by the prosecution are insufficient to compel

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# Drug-free police applicants harder to come by

Continued from Page 1

or twice following a football game in the excitement and victory — that sort of thing — we would not immediately disqualify that person. He would have to have a pretty solid background, though, to convince us that that was definitely part of the past."

While most departments seem to make allowances for past marijuana use, hard drugs are a different story. Departments may allow for experimentation with some felony drugs but not others, and take into consideration the amount of the drug consumed and duration of usage. All those departments surveyed required that as a condition of hiring, no drugs be used in a time period

prior to application that stretched anywhere from six months to three years.

"If you have used LSD, heroin or PCP which have severe effects, we would be very cautious about your employment," said Fairfax's Colonel Young. "If you've used cocaine, it would have to have been a very brief experiment. It is now obvious that cocaine is indeed as much of a problem as heroin."

Over the past several years, he said, the department has become increasingly intolerant of cocaine use. "A cocaine background is incompatible with law enforcement work," he noted.

Several departments indicated they would categorically reject a

candidate if it appears he has experimented with cocaine. Newark's Lieut. Rankin expressed the views of a number of colleagues in noting that if it appears a candidate has experimented with cocaine, the department would rather not have him.

Applicants for the Miami Police Department are immediately disqualified if they have used cocaine, heroin, LSD or any other hard drug.

According to Col. Richard Dotson, the Police Chief of Louisville, applicants who have used marijuana within three years of applying are disqualified, along with candidates who have used cocaine within six years of applying. "An

officer working on the street has a lot of freedom of movement," said Dotson. "We don't need to bring problems on board. They face enough problems in doing their job and dealing with the public and the criminal element."

Some departments, such as Metro-Dade and Baltimore County, allow for more experimentation than others. Both departments accept applicants who have used cocaine as long as checks shows that it was only once or twice. While Metro-Dade's policy permits one-time experimentation with a felony drug beyond a six-month period prior to hiring, Baltimore County will permanently ban an applicant who has used hallucinogens. In addition, applicants must be clean for one year prior to employment.

Information elicited through questionnaires, background checks and interviews are often verified with polygraph tests. While polygraphs used to be conducted only in unusual cases, said Chief McNamara, his department's current policy is to polygraph all applicants.

"We back up our investigations with polygraphs and urinalysis," echoed Baltimore County's Colonel Scarborough. "It's higher [drug usage] than it was five years ago and certainly ten years ago," he said. An estimated 80 percent of those hired by the Baltimore County Police have experimented with

drugs within the acceptable guidelines, said Scarborough.

Departments that use polygraph tests to verify admissions by candidates include the Metro-Dade Police, the Louisville Police, the Miami Police and the Fairfax County Police. The Louisville Police Department also administers urinalysis tests when there is an indication of continued drug use.

The Newark Police Department does not administer polygraphs but instead relies on background investigations. "What we try to do is start from the day they're born up to their chronological age," said Lieut. Rankin. "We don't just look for drug abuse, we look for signs of alcoholism, too."

Despite the fact that the Newark Police Department is currently in the grip of a severe manpower shortage, Rankin said that "it is of the utmost importance that we take quality candidates and that means extending ourselves with our present manpower to get the type of candidates we require."

Leniency with regard to prior drug experimentation is a relatively new concept for law enforcement, said McNamara. While departments in the East have been "pretty lenient for a long time," he said, "only recently in California have we been forced to face the fact that the young people grew up in a world different from the one we grew up as police administrators."

## Reviewing double jeopardy

Continued from Page 5

the defendant to answer) to the evidence. The Commonwealth sought review of the ruling in the Superior Court, which quashed the appeal on the ground that it was barred by double jeopardy principles, since the determination that evidence is legally insufficient constitutes an acquittal. The Supreme Court of Pennsylvania reversed on the ground that determination of a demurrer was not a factual determination but one purely of law.

On certiorari, the U.S. Supreme Court reversed, citing *Sanabria v. United States*, 437 U.S. 54 (1978) and *Burks v. United States*, 437 U.S. 1 (1978). The Court determined that a holding that evidence is insufficient to support a finding of guilt is a factual determination which constituted an acquittal under the double jeopardy clause.

### A clean slate

*Poland v. Arizona*, 54 L.W. 4445 (May 5, 1986).

Defendants were sentenced to death for murder committed in the course of a robbery. The trial judge relied upon one aggravating circumstance provided

by statute, namely that the offense was committed in an especially heinous manner. He found specifically that the statutory aggravating circumstance that the offense was committed for "pecuniary gain" was not present because that circumstance applied only to contract killings. On appeal, the Arizona Supreme Court held that the evidence was insufficient to support a finding of the "especially heinous circumstance," but that there was evidence upon which the trial judge could have found the "pecuniary gain" circumstance had been established. The Supreme Court of Arizona disagreed with the trial judge that such circumstance was limited only to contract killing. The case was remanded for retrial on other grounds. On remand, the defendants were again convicted of first-degree murder and were again sentenced to death on findings that both the "pecuniary gains" and "especially heinous" circumstances were present. The Arizona Supreme Court affirmed over defendants' argument that the double jeopardy clause barred reimposition of the death penalty. The Supreme Court of Arizona

again found the evidence insufficient to support the "especially heinous" circumstance, but sufficient to support the "pecuniary gain" circumstance.

On certiorari, the U.S. Supreme Court affirmed, in an opinion by Justice White. The Court noted that when a case is retried the slate is wiped clean and therefore, under *Bullington v. Missouri*, 451 U.S. 430 (1981), the defendant is again subjected, if convicted, to whatever punishment is lawful. The holding of the trial judge that the pecuniary gain circumstance applied only to contract killing was not an acquittal for double jeopardy purposes. This was not a holding that the state had failed to prove its case to establish that circumstance. The trial judge's determination was one of law and not of fact. Moreover, the Supreme Court of Arizona did not find the evidence legally insufficient to justify imposition of the death penalty. Thus there was no death penalty acquittal by either court. Consequently the double jeopardy clause did not foreclose a second sentencing hearing at which the "clean slate" rule applied.

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## Wadman sacked in Omaha; protested harsh discipline

Continued from Page 1

subsequently convicted but the decision was overturned and he was found not guilty at the second trial.

In observing Howell during the investigation last year, it was noted that he was driving erratically. An FBI agent reportedly told Dunning, then head of the police vice squad, that if Howell were arrested, Federal officials would be interested in following the case through the courts to see if anyone intervened.

Shortly thereafter, on Sept. 17, 1985, Dunning sent a memo to Mitchell, his supervisor, outlining the idea of a drunken driving arrest and mentioning the possibility that others might intervene, although Boyle was not mentioned by name. While Mitchell told investigators that he did not plan the arrest, Marfisi and Lant relied on Dunning's statements that Mitchell suggested specific orders for the operation.

Officers Alexander and Martin, who worked a special 8 P.M. to 4 A.M. cruiser shift commanded by Infantino, observed Howell for six days during a nine-day period last October. When Howell was arrested on Oct. 13, his blood-alcohol level was .19 of one percent. In Nebraska, a person is con-

sidered legally drunk when the blood-alcohol level reads .10.

Howell pleaded guilty to the charges and was fined \$150 and 180 days probation. His drivers license was suspended for 60 days and he was ordered to attend an alcohol education class.

Deputy Chief Robert Olson is still under investigation in connection with the Howell incident. Olson is not a member of the police union and is not covered by the contract stipulation that internal investigations be completed within 35 days.

Olson and the three disciplined officers took polygraph tests administered by a Detroit examiner. Those close to the case said the tests indicate that the officers made no false statements.

Howell is currently suing the city for \$1 million for harassment.

Wadman is appealing his dismissal to the city's Board of Personnel. He defended his actions by noting that in a time of moral crisis, "when a politician remains silent, it could be viewed as a political maneuver, but if a police chief remains silent, he's lying."

The Omaha City Council petitioned Mayor Boyle to rescind the firing of Wadman, but the Mayor rejected the appeal.

## Unsolved crime is source of fear

In light of mounting, unsolved crimes within the Philadelphia area — and an accompanying level of pervasive fear of crime — the Citizens Crime Commission of Delaware Valley is asking residents to drop a dime and make a difference through an extensive Crime Stoppers program recently implemented by the commission.

During the last four years, 209 homicides occurring in southeastern Pennsylvania remained unsolved until the end of 1985, according to an analysis of crime statistics recently completed by the commission.

The Crime Stoppers program, which has become one of the

fastest growing and visible crime control programs in the country [see story, page 3], pays rewards to anonymous informants for information about unsolved crimes. "We're hoping in this way to develop information that police can use to have some impact on the number of unsolved crimes," said Robert Kotzbauer, the commission's communications director.

In just two years, rape in the area has increased by 23 percent and aggravated assault have increased by 5 percent. While murder declined in 1984, it rose by 7 percent in 1985. Nearly 14,000 perpetrators were still at

large as 1986 began except for those who had died, moved on or were in prison on lesser offenses and likely to be released shortly.

Of 264 murders committed in Bucks, Chester, Delaware and Montgomery Counties since 1981, 45 remain unsolved, as are 164 of 1,179 murders committed within the city of Philadelphia.

In addition, according to the crime commission's 1986 Indicator Report, 625 rapes in outlying areas still remain unsolved, as are 900 in Philadelphia.

Philadelphia's 28.1-percent clearance rate, however, is high by national standards.



# Equipping the ideal composite artist's unit

By Frank Domingo  
Second article in a series.

It should surprise no one that many departments simply cannot afford to establish an ideal situation when it comes to providing space, furnishings, fixtures, materials and equipment that are needed to set up a composite artist's unit. In fact, in some cases an interview room may not even be necessary — if it is available — because the artist will travel to the witness.

In optimal situations, however, there should be an interview room in which the witness can be questioned. As opposed to the more stark interrogation room, the interview room should offer a private, quiet, pleasant and comfortable setting. If any of those considerations are not possible, the artist should try at the very least to have the most comfortable surroundings possible for interviewing witnesses.

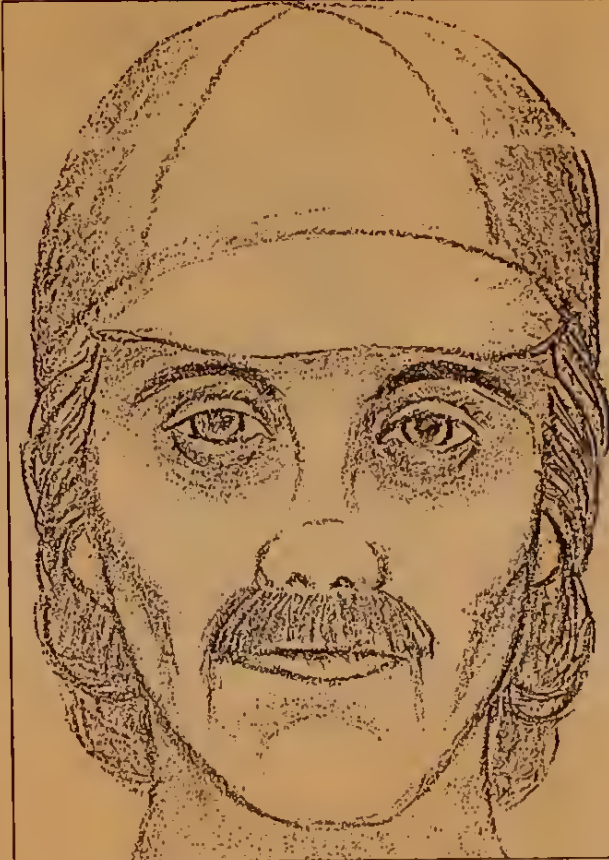
Whether the interview is conducted in a formal interview room or in the field (such as a local police precinct, hospital room, private residence or city park), an important key to obtaining the most from the witness's memory is a relaxed atmosphere. Most people become tense and simply cannot relax when in the presence of police — even in a situation as non-threatening as an interview with an artist. As a consequence, the artist should attempt to establish the least authoritarian atmosphere possible. In keeping with that, the police artist should never wear a uniform in an interview situation and police paraphernalia should not be in view. The police image itself — or representations of that image — can often be intimidating and does little to maximize memory retrieval. Anything else that the artist can devise to contribute to a relaxed atmosphere would also be of help.

### Supplies and equipment

If the artist is fortunate enough to have a workspace dedicated to the task of composite artistry, it would be doubly advantageous if the work area were supplied with the materials and equipment necessary to do a professional job. The more basic artist's supplies that can be provided for this work, the more professional the finished product is likely to be. But the locality need not be swamped with art supply stores as some major cities, such as New York, are. There are numerous companies that provide mail-order catalogs containing a vast array of supplies, thus putting an artist in even the smallest town within easy reach of the proper tools of the trade.

The artist's basic list of supplies should include:

- ¶ Pencils (Nos. 2H, 3H, F, HB, 2B, 3B, 6B);
- ¶ Drawing paper (Bristol medium surface, 11x14, 2-ply), tracing paper, vellum, illustration board, transfer paper;
- ¶ Kneaded and pink erasers, spray fixative, sandpaper pads,



A Tucson Police Department composite of the man known as "the prime-time rapist." The man believed to be the rapist shot himself to death last month as police closed in (see "Around the Nation," page 2).

razor blades, pencil sharpener, magnifying glass, glue, masking tape, stumps, proportional divider, T-square, triangles, rulers;

¶ Colored pencils, ink, pens, markers, paints, brushes;

¶ Official agency stamp, log book, art books, magazines, carrying case.

To the above list of materials, the artist should also add certain larger items of equipment in order to end up with a properly stocked work area:

¶ Drafting table, chair, adjustable lamp;

Instant photo camera (with light and track set-up), photostat machine, light table, slide and/or opaque projector;

¶ Chairs for visitors, table for magazines, bookcase, storage cabinets (for supplies and composite sketches).

### The essentials

The list of supplies and equipment outlined above may be a "best of all possible worlds" array. Many departments, however, may simply be unable to put together an extensive selection due to funding limitations. While

the capable artist will do a better job — whether in the field or in an interview room — if he has the proper supplies, there are certain items that should be seen as a bare minimum:

¶ **Sketch pad.** The use of good quality paper with a high rag content is highly recommended. Cheaper paper, such as bond (typing) paper, is inadvisable. For the purposes of a composite artist, the ideal paper is a 2-ply Bristol with a medium surface; thinner paper of poorer quality simply cannot take the punishment inflicted by repeated erasures. A composite drawing should not be treated haphazardly because it is forensic evidence. As such, it should be maintained, protected and safeguarded as any other piece of physical evidence. In that sense, therefore, the paper should be of such quality that it will not deteriorate with the passage of time.

¶ **Graphite pencils.** Graphite is preferred over charcoal solely for purposes of convenience. Graphite is a neater way to work. A selection of pencils from a hard 2H to a soft 6B should be able to handle any job that comes along.

¶ **Erasers.** The most commonly used are the kneaded erasers and the hard pink rubber erasers. The kneaded eraser is for cleaning the surface and highlighting the drawing. The pink eraser is used if heavier lines have to be changed or removed.

¶ **Fixative.** Spray fixative is used when the sketch is completed. It keeps the drawing from smudging and is a safeguard against accusations that the sketch was tampered with after it was first completed, in order to make it conform to a defendant's actual appearance.

### Other helpers.

As is the case with most commercial illustrators, reference files can be a very useful aid for the composite artist. Such pictures can be used to refresh the

witness's memory through recognition, enhances communication between the artist and the witness, and serve as a drawing aid for the artist. The extent of the file system, of course, depends on the needs of the individual artist. All references are used in a similar fashion. An artist can compile his collection simply by going through magazines, clipping photos and placing them in an appropriate folder.

One of the most commonly used reference files would be those containing the mug shot photos. These should be broken down into categories (such as race, sex and age) so that the witness will not have to view unnecessary photos.

An assortment of art books and anatomy books can also serve as a valuable part of the reference collection. Depending on the needs of the individual artist, files may be created to display such things as aging, anatomy, art, artifacts, celebrities, clothing, headgear, jewelry, vehicles or weapons.

Access to a photo lab or darkroom can likewise provide the artist with equipment that can complement his skills. Large photos of the composite drawing can be produced, which are useful for display purposes and dissemination by newspapers and television. A secondary expedient would be the use of an instant photo camera.

### The next step

Now that we have on hand a trained artist and a well-equipped work area, the next step is the process that leads to the actual composite. These procedures will be explored in the next installment of this series.

*Frank Domingo is a detective and composite artist with the New York City Police Department. He also serves as chairman of the Forensic Art Subcommittee of the International Association for Identification.*

## The Supreme Court and double jeopardy

Continued from Page 6  
Justices Marshall, Brennan and Blackmun dissented.

Judge 50, July 20  
*Texas v. Sanford McCullough*, 54 L.W. 4288 (Feb. 25, 1986).

Defendant was tried in a Texas District Court and was convicted of murder. He was sentenced by jury (at his option) to a term of 20 years. The trial judge ordered a new trial on the ground of prosecutorial misconduct. The defendant was again convicted. At this trial the state presented two witnesses who testified that the defendant, not his accomplice, had slashed the throat of the victim. It was also disclosed at the second trial (though not at the first) that the defendant had been released from prison only four

months before the murder was committed. This time the defendant elected to be sentenced by the trial judge. She imposed a sentence of 50 years and made findings that she relied on the newly disclosed information at the second trial as her reason for increasing punishment.

On appeal, the intermediate Texas Court of Appeals reduced the sentence to 20 years under the principles enunciated in *North Carolina v. Pearce*, 395 U.S. 711 (1969). The Texas Court of Criminal Appeals was essentially in agreement and stated that under *Pearce* judicial vindictiveness must be presumed.

Upon certiorari to the U.S. Supreme Court, Chief Justice Burger ordered the ruling reversed and remanded the case. The Chief Justice, in essence,

modified the *Pearce* holding to provide:

¶ *The Pearce* presumption of vindictiveness may be overcome by specific findings based upon information that was not disclosed at the first hearing.

¶ "Nothing in the Constitution requires a judge to ignore objective information... justifying the increased sentence."

Justice Brennan concurred in the judgment. Justices Marshall, Blackmun and Stevens dissented largely on the ground that the prophylactic standards of *Pearce* requiring that conduct must post-date the first sentencing were not met here.

### Up next: speedy trial

In forthcoming columns we will continue our review of the last term of the Burger Court and its

decisions in the areas of right to confrontation of witnesses, right to speedy trial, the continuing controversy over the death penalty and other criminal justice matters.

The preparation of these review columns has been greatly assisted by the outline of principal criminal cases decided by the U.S. Supreme Court during the 1985-86 term, presented by the Hon. Joseph R. Weisberger of the Supreme Court of Rhode Island to the recent American Bar Association convention in New York.

*Jonah Triebwasser is a former police officer and investigator who is now a trial lawyer in government practice. He is a member of the Bar of the Supreme Court of the United States.*



Morse:

## The war on drugs: Is it America's new Vietnam?

By Stephen J. Morse

We must be honest about the harmful consequences of fighting drugs through criminal law and enforcement. I recently argued that for reasons beyond its control law enforcement cannot win the war on drugs. Now I suggest that the effects of criminalization may threaten the morality and safety of American society more than drug use itself.

The economics of the drug trade are the root of the problem. The production of most dangerous drugs is relatively easy and inexpensive, but criminalization makes them enormously costly to users and monstrously profitable to traffickers.

For example, one study indicates that daily heroin users each consume more than \$17,000 worth of drugs per year. Without the crime tariff the cost would probably not differ much from a pack-a-day cigarette habit.

The criminalization markup for cocaine is even greater. Estimates of the yearly value of the illicit drug trade range as high as \$110 billion, much of which is profit to the criminals in the chain of production and supply.

Consider the effects of the criminalization markup on users. Although experts dispute the exact numbers of robberies, burglaries and other crimes that drug users commit to pay for drugs, all agree



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that users, especially heavy users, commit great numbers of crimes. Wealthier users who need not commit crimes also spend large sums in the unproductive drug trade rather than in the productive economy. Many users must abandon careers and turn to crime to pay for drugs. And the criminal prohibition promotes a drug-outlaw subculture that encourages both use and more crimes.

Criminalization precludes the control of the purity of drugs and the safety of their administration, resulting in preventable disease or even death to users.

Criminalization also increases the power of drug traffickers and organized crime. The drug trade provides gargantuan sums of money that are used for terrifying purposes. Profits buy technology,

manpower and silence to defeat law enforcement.

Worse yet, traffickers corrupt law enforcement and government officials at home and abroad. The failure to win the war on drugs and the corruption that it breeds cause disrespect for and loss of confidence in both law enforcement and government.

The illicit gains of drug trafficking are employed to infiltrate legitimate

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Stephen J. Morse is the Orrin B. Evans Professor of Law, Psychiatry and the Behavioral Sciences at the University of Southern California. This article was originally published by the Los Angeles Times News Service.

## Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers.

### Anti-drug dollars

"One of the most popular political clichés of the 1980's goes something like this: 'You can't throw money at a problem and expect it to be fixed.' That was a pearl gathered from a variety of government programs, not the least of which was the costly War on Poverty. Now politicians have declared a War on Drugs. Hold on to your wallets and duck. Locally and nationally, governmental checkbooks are being opened and new taxes are being proposed. In the interests of political expediency, politicians propose expanded or new programs without much thought as to their effectiveness. They can't be blamed entirely; they're merely responding to a powerful mood in the electorate. We would have hoped for leadership and clear-headedness, however. Despite evidence that drug programs are no 'magic bullets,' Congress has paid little attention to the types of programs it would finance. If that alone weren't cause for alarm, Washington State, city and county officials are warning that anti-drug programs could knock giant holes in local budgets. You can't reduce a deficit and fund anti-drug campaigns without cutting elsewhere, they say. By an irony, the most likely target for cuts would be Federal revenue sharing, of which an average of 70 percent goes to local law enforcement. The possible scenario is that government will fight drugs by reducing police budgets. Silly, isn't it? Voters should tell their elected officials they want a calm and comprehensive effort on drugs, not something that's short-sighted."

— The Seattle Post-Intelligencer  
Sept. 22, 1986

### Arms for Smokey the Bear

"Nearly one million acres of national forest land are off limits to the public — which happens to own them — because they're controlled by marijuana growers who guard their turf with shotguns and land mines. The Forest Service wants to fight back — with arms, if need be. It's a hard concept to accept, arming the guys who work with Smokey the Bear. But as Assistant Secretary of Agriculture George Dunlop argues, the Forest Service needs more muscle to move the pot cultivators out. A Senate bill introduced this month by Paula Hawkins (R.-Fla.) would empower the USDA to create special armed drug enforcement teams. Care should be exercised in creating any such new group, certainly. But whatever it takes should be done. It's insult enough that law-abiding Americans must suffer at the hands of drug vultures. It is too much to expect them to subsidize it on their own land."

— The New York Daily News  
Sept. 29, 1986

### Who the shoplifters are

"Last year, the retailers of this region were royally ripped off by shoplifters — to the tune of \$453 million, by the retailers' calculation. Now, what kind of person would you expect to be committing these crimes? Take a look at the next person you see, because shoplifting cuts across racial, age, sex and economic lines, according to the Greater Washington Board of Trade's retail bureau. The evidence does not support any racial pattern or point to any particular age group. In fact, studies of shoplifting show there is no single profile of a store thief. The latest statistics, for the year ending in July, show that female adults accounted for 32 percent of the thefts and male adults 14 percent. And the list goes on, with retired people doing their dubious share. In this roundup, 51 percent of the shoplifters were in the middle-income bracket. The numbers run the range of society. The retail bureau conducts its annual campaign to warn everyone that shoplifting is a serious crime, that stores stand ready to prosecute and that the losses cost all shoppers. That's worth noting, of course, but the other message in these reports is important too: stereotyping the store criminal is as inaccurate as it is offensive."

— The Washington Post  
Oct. 2, 1986

### Carpenter:

## The death penalty: Let the people's will be done

By Michael J. Carpenter

Let's keep open for a little while longer the Pandora's box of capital punishment that was opened by Marvin Zalman in "The Death Penalty: More Harm Than Good" (LEN, Sept. 9, 1986). Some weak arguments were presented in defending the negative aspects of capital punishment, and these deserve to be critiqued, explored, and perhaps corrected.

If, as Zalman suggested, there is no utilitarian support for capital punishment, there is still one reason for supporting capital punishment — not only is it demanded by "justice," it is demanded by the people. A Gallup Poll published in February 1985 showed that public support for capital punishment was 72 percent — the highest in 50 years. It may not always remain that way, but in a democracy such as ours it is the will of the people that shapes society, mandates laws and decides what is just.

It is not only the will of "the masses" that demand such drastic measures; it is the will of "the bourgeoisie" as well. In both 1983 and 1984, an overwhelming majority of lawyers polled by the American Bar Association supported capital punishment (78 percent in 1983, 69 percent in 1984). The introduction of capital punishment would not (and has not in the 11 states that have had executions since 1977) become "an issue of contention and division between people," as Zalman would have us believe, but rather

it is the mandate of the vast majority of concerned citizens in these states.

The often-used argument that capital punishment is not being applied evenly, especially between the races, is frequently raised. However, such inequities have been monitored much more carefully after the 1972 *Furman v. Georgia* decision than in the pre-Furman era. If there are still inequities in the distribution of this penalty, it is not the punishment itself that is inequitable; it is the method of administering this punishment that may be at fault. If six killers are found guilty and only one is executed, it does not detract from the guilt of the other five. All are equally guilty, and ideally perhaps all should be equally punished. But because we do not live in an ideal society, let us not take a step backward by eliminating capital punishment. Let us take a step forward to administer this punishment more equitably. No injustice is done to the one executed, although justice may not be done to the others.

It has been theorized that states with capital punishment tend to develop rules of criminal procedure that "bend over backwards to give the defendant every

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Things are not going all that well these days for the Mafia. The U.S. Attorneys' offices in numerous American cities are trying their best to put organized crime kingpins behind bars for long periods of time, on charges that run the full gamut of the penal code. The average capo scarcely knows who's reliable anymore, with actual and potential informers lurking at every turn. And for several reputed Mafia bosses in New York, they're now in the middle of a complex trial that seeks to prove them guilty of running a national Mafia commission.

As if these battles were not enough of a siege against the Mafia empire, the Italian Government is itself in the midst of two enormous trials that have rounded up and prosecuted several hundred reputed mobsters. The trials are so big that they all but defied the existing judicial structure of Italy. Special fortified courthouses had to be built to provide the necessary security for the trials. Cages were added to keep the defendants under tight security, along with complex networks of tunnels to transport defendants back and forth to court. Backup judges were appointed to insure that trials would go on if one of the magistrates proved unable to continue

with the proceedings.

One of the courageous jurists presiding over these Italian "maxi-trials" is Dr. Aldo Grassi, who has been a magistrate of the Supreme Court of Justice in Messina, Sicily, since 1985. At various times a judge and a prosecutor — the Italian system permits the interchangeability — Grassi is currently presiding over a trial that involves 283 defendants, 104 lawyers, 100 witnesses and thousands of police officers for security. And, despite the almost incalculable scope of the trial, which began in mid-April, Grassi has hinted that the sentencing stage may be reached by January 1987.

Grassi, 47, is quick to acknowledge that one of the pivotal factors in the current Mafia trials in Italy is a law that has come to be known as the "Reward Legislation." The law, which was originally designed as a way of combating terrorism and has now come to be used against organized crime as well, encourages disaffected mobsters to change sides — become "penitent" — and work essentially as police informers. All the penitents get in return for their informing and testimony is certain considerations in sentencing — no reduced or eliminated

charges, no changes of identity under a government-sponsored protection program.

Despite the enormous amount of time and attention that must necessarily be devoted to the Mafia trial, Grassi has also found time to make an ongoing commitment to the International Centre of Sociological Penal and Penitentiary Research and Studies, based in Messina. The center, which has attracted the interest of numerous high-level American police officials, works in close collaboration with the United Nations Economic, Social and Cultural Organization (UNESCO), and has turned out a number of thought-provoking white papers on critical law enforcement subjects.

Grassi has been a lawyer since 1961 — becoming one at the tender age of 22 — and has seen the Italian criminal justice system from a variety of angles since then. However, nothing in his past may have quite prepared him for the daunting task of presiding at the Messina organized crime trial. Then again, perhaps everything in his past was just prologue to a trial that he says may be a giant step toward overcoming the Mafia on its home turf.

**'The Reward Legislation demonstrated that criminal solidarity and omerta — the conspiracy of silence — can be crushed.'**

## Dr. Aldo Grassi

**Presiding magistrate at one of the largest organized-crime trials in Italy's history.**

Law Enforcement News interview  
by Marie Rosen

**LAW ENFORCEMENT NEWS:** You're currently presiding over one of the largest criminal trials in Sicily's history, with more than 100 reputed organized crime figures as defendants. Are there any special problems in handling a trial of this size?

**GRASSI:** Well, it is a very new experience for our Italian trial system. At this moment we have two big trials, the first in Palermo and the second in Messina. In Palermo they have more than 385 accused; in my trial in Messina there are 283 accused. Maxi-trials, as we call them, are really difficult to be conducted because the accused know that their strength is in their numbers. We have 104 lawyers, we have more than 100 witnesses. We began the trial on the 14th of April, 1986, and until the 31st of July we could only make the interrogations of the accused.

In a recent conference on terrorism and organized crime, held in Rome two months ago, and in which participated only Italian magistrates, we said that big prosecutions maybe are useful and necessary, but that we must try not to have big trials because they are very, very difficult to be conducted. Sometimes it is possible not to have such big trials, because, for instance, in my trial we are adjudicating for association in high-level organized crime, and it was possible to have four trials. On the contrary, the prosecutor in Messina made his

mind up and said you must try all of these accused for similar crimes in one time, together. We are moving along. I suppose that we can sentence them by next January.

**LEN:** What kinds of security measures have been taken for a trial of this scope?

**GRASSI:** Some security measures have been imposed on the judges, on the prosecutor, because during the first two months of the trial one of the lawyers employed in this trial was killed. So the police, the *Carabinieri*, and the Minister of the Interior of Italy suggested to us to adopt some security measures. Everyone of us has a police guard, and we go from our houses to the office, to the court, by special cars. Our houses are controlled, watched by the policemen. But nothing else. No crime against judges has been made during our trial, or during the trial in Palermo.

**LEN:** Would you wear bulletproof vests for protection?

**GRASSI:** No, not at all. Absolutely not.

**LEN:** How many police officers are being used in conjunction with this trial? One report said that 2,000 police were assigned to the Palermo trial.

**GRASSI:** Yes. Many, many policemen are involved in such trials, but not only for magistrates' or prosecutors'

security. They are necessary for the movements of the accused from the prison to the court, to watch the accused and the people who are present in the public audiences. They're not just for us. And they change hours — three or four for the first eight hours, then four others, then four more, night and day.

**LEN:** So you always have someone with you around the clock.

**GRASSI:** If I want to, when I go out, yes.

**LEN:** The court building in Palermo was built with cages and tunnels for extra security. Was it the same in Messina?

**GRASSI:** Yes, it's the same. These are special buildings just made for such trials, because we were not accustomed to prosecuting, judging and sentencing so many accused at the same time. So our justice buildings were not able to accommodate this trial.

**LEN:** If a defendant is being held in a cage during his trial, doesn't that put him at something of a legal disadvantage?

**GRASSI:** According to our normal law, during the public audiences the defendants cannot be put into cages. But for particular security measures, and in such

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**'The general public has realized that the clash between the state and organized crime groups should not be considered as a show to be watched from a distance.'**

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cases as they are too many, then for security measures the president of the court can establish that they can be put in the cages. But during the interrogations they come up to the court and they are free — with policemen around, but free.

LEN: Do things ever get out of hand in the courtroom? Are the defendants generally orderly, or do they try to disrupt the trial?

GRASSI: Well, every defendant has his own lawyer, and if he has no lawyer the president appoints an honorary lawyer for him — because everyone who is accused during the trial must be defended. So we have the defendants who can be present with the public audience, but if they want they may not be present. What's important is that they are present at the moment of the interrogation. But defendants in my country can also say "I don't want to be questioned." In that case, the trial goes on, notwithstanding his silence, because the defendant can also defend himself with his silence. So the defendants are present if they want, and in general they want. The witnesses are in a particular room and they can't be present with the public audience until the moment of their interrogation. Soon after, they can stay in that part of the audience reserved to people.

LEN: In this country, if a defendant refuses to answer questions, he can sometimes be held in contempt of court. Can that happen in Italy?

GRASSI: No. It is quite different under our law. The silence doesn't mean anything in particular, so that the defendant who doesn't want to be interrogated must be sentenced according to the results of the trial, and he can be sentenced with condemnation or not. But no problem for his silence.

LEN: American criminal justice also allows a person to refuse to answer on the grounds that the answer might incriminate him — our Fifth Amendment — and this tactic has been used in many organized crime trials in the past. Would that be the same as what you're describing?

GRASSI: It's similar, but quite different in certain respects, because as I told you, the defendant in Italy has the right not to answer the questions of the court — any questions. He can say "I don't want to be questioned," and nothing else. Then the court asks the witnesses, if there were witnesses, and then makes up the sentence.

LEN: Reportedly, the prosecution in the Sicilian trials is trying to prove that individual acts were part of a criminal conspiracy horn centuries ago, thus putting the Cosa Nostra as an organization on trial. What specifically happened to prompt this legal action at this time?

GRASSI: Any trial in Italy regards people and not the association as a whole. Many times it happens that the defendants are accused for their organized crime association and also for particular crimes — robberies, homicides and so on. In my trial in Messina, all the defendants are accused only of having taken part in high-level organized crime associations. So the trial is not of the association, but of the people that are

suspected to have taken part in that particular kind of association called Mafia. And not Mafia in general, but that part of Mafia that they are suspected to have conducted in that part of the island, not all over Italy. This is the reason we have a trial in Palermo and another in Messina. Next February, probably, we shall have another trial in Catania, because every judge has a territory, so we are judging those who are suspected of having taken part in high-level organized crime association in that part of the nation under our jurisdiction.

LEN: Gen. Carlo Dalla Chiesa, the top law-enforcement officer in Sicily, who was murdered in 1982 supposedly discovered ties between Mafia bosses and some of Sicily's most prominent businessmen. How strong are the ties between the Mafia and the business community?

GRASSI: I can't answer in a complete way because the affair of Dalla Chiesa is part of the trial in Palermo, and not mine. In my opinion, though, and according to my knowledge through the newspapers, I think that they have found some links between Mafia and business affairs. However, I can't allude anything specifically because this is not a trial under my jurisdiction.

LEN: Different pieces of legislation have been passed to go after the Mafia. Could that legislation be used against business leaders if a link is made between them and organized crime?

GRASSI: Yes, surely. The legislation can be used against business people, but only if they are accused of having taken part in the high-level organized crime association called the Mafia.

LEN: One of the laws passed to crack down on the Mafia was enacted in 1982, and it gave law-enforcement officials substantial access to bank records. Can you offer some more specifics on that law?

GRASSI: That particular legislation concerns only the prosecutors and a particular governmental office in Palermo called the Anti-Mafia Office. It orders policemen to access the banks and to control everything regarding people in association or business with the Mafia to discover, if possible, the origin of some particular suspected wealth. In the Palermo trial, I know that they have found something interesting just through bank records. They have prosecuted many people external to the ancient organization — people who at

**'Banks cooperate completely [with police investigations] because a law has made compulsory their cooperation. Also, with computers it is easier to know what's going on.'**

the origin of the investigation were not suspected of taking part in the organization. They were the businessmen of the organization. For instance, they allowed for the recycling of money coming from crimes, so they were not initially suspected, and through the bank records inquiries they have been prosecuted, accused and now they are in trial. In Messina, nobody has been prosecuted or accused through such particular kind of bank inquiries.

LEN: Were the banks cooperative?

GRASSI: Well, initially they didn't cooperate because they were afraid that the population could change banks and would not put money in their banks so as not to be investigated. But nowadays, I must say that this particular kind of behavior is not the problem. Now banks cooperate completely, because a recent law has made compulsory their cooperation. Also, through computers it is easier than before to know what is going on.

LEN: Italy lies just south of Switzerland, with its traditionally secretive banks. Are there any added difficulties or advantages regarding money deposited by crime figures in Swiss banks?

GRASSI: There are some international conventions between Italy and Switzerland. Notwithstanding this, Swiss authorities try not to give every necessary effort to the Italian Government — or better, to the Italian magistrates and prosecutors and police — because they want those Italians or other foreigners who take their money to their banks to have the security not to be investigated. In some cases, and in more than one trial — for instance the big trial, not for its size but for its impor-

taunce, involving [financier] Michel Sindona and other people — Italian magistrates have some help and the Swiss authorities gave a very interesting and useful contribution to the investigations.

LEN: It's been said that the Italian public no longer will accept the kinds of criminality associated with the Mafia. What changed to bring this about? Is it just that they have had enough of it?

GRASSI: I think that the general public conscience has realized that the clash between the state and organized-crime groups or terrorist groups should not be considered as a show to be watched from a distance. This led to the mobilization of a wide range of political, cultural and social forces which were progressively convinced that the answer to terrorism and organized crime associations would not only be of a technical or military nature, but would also be achieved in other ways. They had to progressively isolate those who were perpetrators of such evils. The social movement has been the first reason for the so-called penitents.

The progressive isolation of terrorist movements and, soon after, of the organized crime associations, on the part of an ever-widening hand of the community caused a profound crisis inside the organizations, which then exploded with the penitents. Some of the accused, losing faith that criminal violence could represent a perspective for the transformation of society, underwent moral anguish and they repented, collaborating and permitting the state to identify and overthrow brutal movements and arrest the leaders, and permitting the state to identify the leaders of high-level organized crime associations, and arrest them.

LEN: The so-called "penitenti" grew out of emergency legislation — the "Reward Legislation" in particular — that was passed in response to terrorism. How did this come to be used against organized crime as well?

GRASSI: Well, thanks to the revelations of the penitents and to the intelligence work of the police, investigations began, starting with the terrorist movements and delving more and more deeply into their circles, with a lacerating effect at the organizing level and, even more, at the political level. The Reward Legislation regarding penitents developed through laws adopted in 1980 and in 1982. These laws tried to adapt to four needs: to offer a concrete perspective of recuperating those who disassociate from armed com-

bat; to assure a correct and regular carrying-out of the trial, guaranteeing fullness of cross-examination between the parties and the control of public opinion on the activities carried out by state organizations; to confirm the principle that it is not legal nor tolerable to leave unpunished serious deeds which have troubled the country and upset numerous families, and to avoid insidious repercussions at the security level, as a result of particularly generous measures — for example, the recycling of terrorists.

The Reward Legislation demonstrated that criminal solidarity and *omerta* — the conspiracy of silence — can be crushed. But the conduct of penitents cannot consist of simple disassociation. Rather, it is the concrete helping of police authorities or magistrates in the collecting of decisive proof for the capture of other leaders of organized crime associations. Provision has been made for the non-punishment of those who, having undertaken acts for terrorist or subversive ends, voluntarily prevent the event and give elements of proof relevant for the reconstruction of the deed and the individualization of the eventual perpetrators. Likewise unpunishable are those who before the definitive sentence dissolve or in some way determine the dissolution of the criminal association. Or, they withdraw from the association and consign themselves to the police authorities without resistance, or they abandon arms and provide information on the structure and organization of their associations.

The Italian experience demonstrates that the Reward Legislation is in the superior interests of the community and constitutes a method that merits being followed and carefully examined. Understand that for the breaking-up of extremist associations, it was necessary to succeed in sowing the seed of repentance and to give the



# Interview: Mafia-trial judge Aldo Grassi

members of these groups a valid and useful motivation to induce them to disassociate.

**LEN:** Is this the kind of legislation that would work for other countries as well?

**GRASSI:** Well, it all depends on the particular situation and on the prosecution system. It is important to understand that in Italy everyone who is suspected of having committed a crime must be prosecuted. Prosecution is compulsory. It is quite different in the United States. I think the most important principle of our Reward Legislation is the compulsory prosecution in Italy. Here in the States a prosecutor may not prosecute a penitent for some committed crimes; he might prosecute only for one or two crimes. In Italy, no. The penitent must be prosecuted. He can have a lighter sentence, he can have in certain cases no liability to punishment, but he must be prosecuted.

**LEN:** It's been reported that much of the evidence against the organized crime figures was gathered as a result of legislation that gives authorities extensive leeway with wiretapping. Just how extensive are these powers?

**GRASSI:** A police officer must be authorized. This legislation made it easier to get a wiretap. This is one of the extra powers given to police officers. To get a wiretap approved, it is necessary and sufficient that the police officer conducting the investigation says to the prosecutor, "I am investigating against these people who are suspected of having committed such-and-such crime." We know from reports that the policeman is in connection with that organization or another, and we see if it is useful to have wiretap investigations. In such a case, the prosecutor can authorize or not, according to the elements of the case. If he authorizes the wiretap, the telephone of the investigated person is watched and every conversation made or received is taped. Then the content of every conversation is written in a report and all the conversations useless to the investigation are concealed by order of the prosecutor. All the others are part of the trial, and can be used against the accused.

**LEN:** How is this new legislation different from past policy on wiretaps?

**GRASSI:** Before, the cases in which and for which the wiretap investigation was possible were less. New types of crimes were added under the new legislation — for instance, that concerning drug trafficking or high-level organized crime, all robberies, all homicides. If anyone is suspected of theft, the wide-ranging investigation is not possible. But for those crimes committed in the area of high-level organized crimes, the wiretap is possible. As you can understand, to commit a homicide — a typical crime of the Mafia — I need a car. The theft of the car is not, for itself, a terroristic crime, but it is committed for a terroristic end. Everything in this area can be investigated using the particular laws approved for this purpose.

**LEN:** Detention of suspects is limited to two years before sentencing must be completed, otherwise defendants will go free. Many defendants in the organized crime cases in Sicily will go free in November of this year and March 1987 if the trials are not finished by then. Will you make it on time?

**GRASSI:** Detention is limited, but not always to two years. It all depends on the crime for which one is prosecuted. It depends too on the stage of the trial. That is to say, during the instruction made by the prosecutor or by the judge, there is a period of detention, another during the trial after the first decree, another for the trial in the appeal decree. If the trial is not finished in one stage during that period, the defendant becomes free. In the trial in which I'm involved, at the end of July 200 defendants became free because the trial is yet in progress in that stage. There are 83 other defendants in detention because they are accused of crimes for which the period of detention is bigger.

**LEN:** Doesn't it make you angry that these 200 defendants were freed?



**MAFIA 'PENITENT':** Tommaso Buacetta (l.), an Italian Mafia kingpin who became a police informer, is led into a courtroom in Rome in 1984 to testify against former partners in crime. Buacetta's testimony has played a key role in organized-crime trials in Italy and the United States. Wide World Photo

**GRASSI:** Yes, but there is no anger possible during a trial, in the sense that everything that the court thinks must be done to reach the truth must be done. The trial must be an instrument to guarantee the freedom of people.

**LEN:** Did the defendants who were freed use any sort of stalling tactics to force the court's hand and win their freedom?

**GRASSI:** Sometimes it happens, but not always. Normally the court has the power to overturn such behavior. For instance, a defendant says he is ill, and he isn't concerned that the trial is on. In his absence, the judge of the court makes every effort possible to see if he is really ill, and if necessary the judge can separate the trial against him from the trial against all the other defendants. The court then goes on against all the others.

**LEN:** Until about four years ago, 50 percent of the heroin coming into the United States was supplied by the Sicilian Mafia. Has the trial halted the drug traffic?

**GRASSI:** Drug trafficking is one of the biggest topics of the trial held in Palermo. In the Messina trial, no drug trafficking involving the United States has been discovered. I don't know if this trial in Palermo and the results of it will be able to stop definitively the drug trafficking between Sicily and the States. I hope that in any case many of the channels within which this drug was going have been cut. Maybe they will find other channels. I hope not, but those that have been investigated, I have been assured, have been cut.

**LEN:** Is there a drug abuse problem in Italy itself?

**GRASSI:** Yes, we have big problems with drugs. Many, many youths are on drugs, and we have legislation from 1975 which said that the youths who use drugs for personal reasons are ill and must be cured, and not sentenced. But for those who are conducting drug trafficking, we have harsh punishments. There are more powers for the investigators, and we have in progress many big trials against people accused of taking part in associations allied with the drug trafficking. Many of them have already been sentenced.

**LEN:** As you see it, are the trials in Palermo and Messina likely to stop the Cosa Nostra and put it out of business, or will the effect be only temporary?

**GRASSI:** I can't say. We shall see. What I can say is that surely the trials in Palermo and Messina are the result of the investigations made by the police and by the investigating magistrates, and they represent a big success — the first big success — made by the state against the Mafia. The final results I can't know now. We shall see, but I hope that in the measure in which the defendants are sentenced the state can say they have overcome notably the organized crime associations.

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# Cops take problem-oriented approach to crime

Continued from Page 3

their victims strangers to each other. Fifty percent of all murders within the city involved family members. Moreover, police had responded previously to complaints of domestic violence in more than half the cases.

In order to prevent a homicide, Evans said, police had to intervene before the violence got to that point. "Basically what it [PRIDE] entails is redefining the police officer's role in handling domestic disputes so we would no longer go out there as mediators and marriage counselors. We would go into the situation as law enforcement officers," he said.

Under PRIDE's guidelines, if officers at the scene assess that an assault has taken place, the officers will effect an arrest. The arrestee, however, is not held in jail

for long because, as Evans observed, "when they got out, their anger at the family member they blamed for putting them behind bars was even worse."

Instead, a group of outside resources was mobilized, including private and public agencies that do counseling for people in trouble. "We have a system whereby the abuser and the victim should go into counseling in an attempt to alter the anger so that the cycle of violence will be broken," he said.

Newport News had about 22 murders in 1984 as compared with 5 murders so far in 1986. Of the five, two were the result of domestic violence and three were drug related.

"We can't pinpoint the whole reason for the reduction of almost 80 percent of the murders down to

this program," said Evans, "but in the absence of any other factors, we know that domestic violence itself is not categorically down anywhere."

The problem-oriented policing approach has been applied in other areas of the Newport News crime scene as well, including a marked reduction in downtown prostitution. Under a new policy developed by a rookie whose fight with a male prostitute while working undercover left him in possession of the transvestite's wig and make-up smears on his ski jacket, officers began stopping suspects, taking their pictures and noting their hangouts. When a prostitute came before a judge, the territory that a particular girl worked could then be established. Then, working with attorneys and judges, a new system of pro-

secution was developed that typically gives prostitutes a one-year sentence. Although a prostitute may only serve one month in jail, as a condition of probation, the prostitute is banned from the downtown red-light district. If seen there again, she is jailed for the full term.

In addition, police discovered that nearly half the downtown area prostitutes were transvestites but were sure that most of the customers did not know this. Intervening in street transactions, police started formally introducing customers to their hirsute dates. With the help of the Navy, which has a major presence in the area, one police officer made presentations to incoming sailors about male prostitutes and

associated health risks.

While only last year, 30 or 40 prostitutes could be found on West Avenue, now only three or four remain. As a bonus, robberies dropped off in that neighborhood by 40 percent.

PERF's executive director, Darryl Stephens, who was police chief of Newport News for most of the project, assessed the effort by noting that most police departments are "incident driven," responding to particular events, calls for service and situations that come to their attention in a variety of ways. Problem-oriented policing, he said, "is changing [police] from being an incident-type organization to one which focuses on a proactive approach."

**Carpenter:**

## NYC Citizens Crime Commission gets results despite 'outsider' standing

Continued from Page 5

Department as a first step in attacking subway crime.

The commission's board of directors, made up of some of New York City's top business leaders, is headed by Donald A. Odell, executive vice president of Metropolitan Life Insurance Company. Tom Repetto heads a staff of six researchers who produce the studies and reports on which the commission's recommendations are based. The staff also observes criminal justice agencies in action and suggests ways to improve their effectiveness and provides accurate crime data for the public and

media. By the end of the year the commission expects to publish a major reference work on New York's criminal justice system — "everything you want to know about crime and criminal justice in New York City," in Repetto's own words.

Although he has a doctorate from Harvard and teaches in the graduate division of John Jay College of Criminal Justice, Repetto is no ivory-towered theorist. He began his career in law enforcement in 1952 as a Chicago patrolman and rose to commander of detectives by 1970 before leaving the Chicago police for academia and leadership in

many national, state and city criminal justice commissions and study groups. He is the author of "Residential Crime" and "The Blue Parade," a history of America's police. In the opinion of this corner, "The Blue Parade" is as thorough a history of policing through the World War II era as we have, and besides, it's a good read.

*Orday P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., Westwood P.O., NJ 07675.*

## Death penalty and the will of the people

Continued from Page 8

consideration to be sure that the trial will be error-free." As a result, he suggests, "the lengths of the trials will increase, fewer guilty pleas will be obtained" and "murder cases that now take a few days will eat up weeks of court time." Baloney! The rules of criminal procedure are no different in states that have capital punishment than in states that don't. Though the general public might agree that the courts appear to be bending over backward to give the defendant every consideration at trial, the reality of things is that an attempt at an error-free trial is desirable for every charge — from a speeding ticket to murder. The length of a trial depends on the complexity of the case and the severity of the offense. To blame the punishment for lengthening this process is inappropriate. The length of a criminal trial depends on the rules of criminal procedure (the application of the punishment, if you will), not the punishment itself. If a shortened trial is our objective, if the courts appear to be bending over backwards for the defendant, if we want to curtail the appeal process, it may be appropriate to blame the rules of criminal procedure or the due process of our courts, but it is difficult to blame a particular punishment for all these. Further, to claim that the implementation of capital punishment will lengthen the trial process of "murder cases that now take days to try into weeks" is empty rhetoric. The reality of murder cases is that they take weeks and months to try, not days.

Having the death penalty as a punishment is an option, a threat if you will, but a choice that "the people" want for a certain type of criminal. It is not a punishment to be automatically instituted in every case, no more than the maximum penalties that are established for lesser crimes are always

carried out. The implication from the "... More Harm Than Good" article is that every mentally disturbed murderer, juvenile murderer or those who kill under extenuating circumstances would automatically be sentenced to death. No rational person wants this — but what the American people want is a choice, an option to use an extreme punishment for extreme crimes.

Lastly Zalman attempts to relate the use of lethal injection for executions in some states to the "ambivalence about executions in America today." Once again, the method of administration is confused with the principle of punishment. Zalman goes on to clarify and re-emphasize his point by noting that "we could at least have the moral courage to use a method that brings home the enormity of the crime and the necessary ugliness of the punishment imposed." A more logical statement concerning lethal injection is that the people have decided that capital punishment is desirable, perhaps necessary, but may lack only the moral courage to decide on a method of administration.

Justice is done when a murderer is convicted, as the author emphatically states, but justice is not done when the average length of a "life sentence" is eight years.

The American people are taking extreme measures in response to a criminal justice system that they are rapidly becoming disillusioned with — as witness the overwhelming support for capital punishment in the polls, the drastic increase in handgun purchases in the past decade, the "vigilante" responses of average citizens (see LEN, 9/9/86, p. 11), etc. Before someone tries to convince 72 percent of the American people that the death penalty does more harm than good, we had better develop an effective, efficient criminal justice system to satisfy them.

**Morse:**

## Drug war: the new Vietnam?

Continued from Page 8

business, which are then subject to the use of intimidation and corruption. The drug trade may well create a corrupt state and economy within our nation.

Criminalizing drugs is a source of sickening violence. The rewards produced by the illegality of the enterprise are so great that kidnaping, torture and murder are routine ways in which traffickers do business.

Moreover, drug trafficking, although dangerous, is so easy, exciting and above all lucrative that it allure undercuts the work ethic and mocks the life style of those who toil legitimately. Our nation's traditional values and morale both suffer.

Criminalization also produces dangerous changes in the law and law-enforcement practices. Constant pressure is exerted to limit constitutional protections of privacy and security by expanding the power of the government to use intrusive methods such as electronic surveillance.

Illegal means are often used

mistakenly and sometimes purposely to fight the drug war. The recent hysteria about drugs has even produced suggestions to change the law to permit using the armed forces for domestic law enforcement at our borders. Furthermore, the need to crack the power of the drug traffickers has led to unprecedented and intrusive civil laws such as those requiring banks to report large transactions to the government.

Criminalizing drugs creates international problems. The substantial dollars spent for drugs abroad are not repatriated, thus worsening the balance of payments. The drug-trafficking underworld uses its profits to bankroll arms smuggling, insurgency, espionage and terrorist activities that strike at our security.

The drug traffic also interferes with foreign relations. As recent experience with Mexico demonstrates, attempts to impose our drug policies and enforcement practices on other nations creates tension and ill will. Because traf-

fickers corrupt foreign officials, these officials are disreputable and unreliable allies.

Finally, the criminal-justice system's war on drugs directly costs staggering billions. The Federal drug-abuse outlay alone will be close to \$2 billion in 1986. State and local costs are higher. Given the myriad needs for each tax dollar — including other, more important law-enforcement needs — we can no longer afford to subsidize the ineffective criminalization strategy.

If criminal law and enforcement reduced drug use to tolerable levels, we might find the inevitable bad consequences acceptable. But — despite some temporary, limited successes — law enforcement cannot win the drug war, and the ill effects of criminalization are both intolerable and increasing.

How much longer will we put up with the crime, corruption and misery that criminalization creates? We must debate dispassionately, and perhaps even take a chance with a new strategy.



# Criminal Justice Library

*We read and review:*

## Welcome works on the police of England

**The Police of Britain.**  
By Phillip John Stead.  
New York: Macmillan Publishing Company, 1985.

**Innovations In Policing.**  
By Mollie Weatheritt.  
London: Croom Helm and the Police Foundation, 1985.

**Managing the Police.**  
By David Bradley, Neil Walker and Roy Wilkie.  
Brighton, England: Wheatsheaf Books, 1986.

**The Politics of the Police.**  
By Robert Reiner.  
Brighton, England: Wheatsheaf Books, 1985.

By Donal E. J. MacNamara  
Visiting Professor of  
Criminal Justice  
University of Tennessee  
at Chattanooga

Teachers and students of comparative police systems are fortunate indeed at the continuing publication of very well researched, well written volumes on the English police. Materials on other police systems in Europe, Asia, the Middle East, Africa and Latin America are as sparse as they are inadequate. (It should be added that there are individual volumes of merit on the French police, the Japanese police, the Soviet police, the Irish police, and some fine articles on the police of other countries in such professional journals as *Criminal Justice International*, the *Inter-*

*national Criminal Police Review* and other periodicals, including, of course, the *Law Enforcement News* interviews with police administrators from a number of foreign countries, some of which have been brought together in Michael Balton's useful little volume, "European Policing," published in 1978 by the John Jay Press.)

At the annual meetings of both the American Society of Criminology and the Academy of Criminal Justice Sciences, very informative papers on the police of various smaller or lesser-known countries have been presented over the past five years. An anthology of these papers, tightly edited and with an analytical introduction, would be of inestimable value to the field. The two volumes produced by ACJS under the editorship of Dorothy Bracey and Charles Fenwick ("International Criminal Justice Systems I and II") are basic resources to anyone doing work in this field.

Nevertheless we must welcome enthusiastically the four above-named additions to the voluminous literature on the English police, for they are not only supplementary but each in its own way is a unique and valuable contribution. Let it be said of all four: Academics and researchers, when they are not committing the sins of professional jargon, banality and/or turgidity, all too frequently compensate by larding their prose with circumlocutions, arcanities and/or the simulacra of

expertise rather than its substance. The six authors here reviewed, however, write clear, forceful and simple English and communicate effectively to scholar and practitioner alike.

Each is an expert — all have been exposed to and appreciate the difficult operational responsibilities of the police — and none, fortunately, is a police-basher. Stead, formerly academic dean at the British police staff college at Bramshill, is now professor of comparative police studies at the John Jay College of Criminal Justice in New York. His previous books ("The Police of Paris," "Pioneers in Policing," "The Police We Deserve" and "The Police of France," companion volume to the title under review) have been uniformly well received by both serving law enforcement officers and by academics. In "The Police of Britain," Stead covers the history of policing from its beginnings in the fifth century right up to the most recent developments in the 43 modern, professional forces which insure law and order in England and Wales (excepting perhaps the occasional soccer match between Liverpool and Manchester). He has strong chapters on recruitment standards, training at all levels, management systems and operational problems, particularly the unsatisfactory relations between the police and the black minority. More briefly, he informs us about policing in Scotland, in Northern Ireland, and in a number of

Britain's outlying domains. With understandable chauvinism, he details some of England's major contributions to modern policing: the *modus operandi* system, fingerprinting, local police autonomy (from which England has been retreating while the United States still worships the shibboleth), and of course the "murder squad," without which authors of police procedurals would be at a loss to introduce the Scotland Yard detective superintendent into the investigation of the killing at a Wodehousian county seat. Stead does seem perturbed by the establishment of the new Crown Prosecution Service, more especially with its role in monitoring complaints by the public against the police. But on the whole he is optimistic, although he does warn that "the strength, character and purpose of the police systems they [the democracies] develop is crucial to their well-being, even to their continuance." One final accolade: There is an excellent bibliography.

Mollie Weatheritt was a staff functionary at the Home Office (which monitors the police and prisons of England and Wales) for more than a decade and is now assistant director of The Police Foundation, a private research organization supported by business and individual contributions. She is much more critical than Stead and tosses her well-aimed darts with deadly accuracy at the top levels of English police

administration: the commissioner of the London metropolitan police and the chief constables of the other forces. Her principal indictment is their adamant refusal to read or implement the many recommendations in well-researched studies which have been available to them over the past 10 to 20 years. "The police have been more receptive to information that helps to justify their activity rather than that which turns a critical eye on it," she writes. And again: "The research departments within the forces are almost exclusively concerned with improving internal management and making it more businesslike rather than with improving police performance." She makes special note of the resistance within the senior ranks to innovations introduced by such atypical police executives as Sir Kenneth Newman. She is somewhat skeptical about some current crime prevention schemes, such as neighborhood policing by mini-units, and she has little to say in favor of increased foot patrols, which she believes are both uneconomic and largely ineffective in controlling crime. Much of what she writes applies with equal force to policing in the United States.

Bradley, Walker and Wilkie are professors and researchers in the Centre for Police Studies at the University of Strathclyde in Scotland. "Managing the Police," however, is no abstract,  
Continued on Page 14

## Short, engaging, pertinent look at the latest in British police innovation

**Innovations In Policing.**  
By Mollie Weatheritt.  
London: Croom Helm Inc., 1986.  
185 pp., Index and tables.

By Hal Nea  
Division Chief  
Boulder, Colo., Police  
Department

"Innovations in Policing" is about law enforcement-related research in England and Wales. Ms. Weatheritt provides a look at what the police in this region are doing to improve law enforcement services, and she does so in a book that is short, interesting and readable.

The author writes of two purposes for the book: to show that "police are responding to changing demands and pressures on them and the extent to which they are open-minded and receptive to change," and to disseminate information to others in law enforcement. Both of these purposes have been accomplished.

Of the book's eight chapters, six present information about different methods of police innovation. The first chapter provides background information about where and how the information was obtained for the book as well as some general information about the methods used by the British to provide for inspection of police operations. The second chapter includes some of the author's thoughts about research, how it works and how it doesn't, as well as some other information on related subjects.

The next six chapters are the most interesting and informative about experiments in policing. Included is information about experiments in: resource allocation, operational support units, evaluation panels, crime prevention, increased security, developing community support, neighborhood watch, beat policing, policing by objective and other topics.

While the chapters provide interesting information they lack a

certain depth. It is difficult to tell much about 12 policing experiments in only 100 pages. This lack of depth is the single greatest problem with the book.

The book is also interesting in that once again the reader is reminded of the vast differences between the British police establishment and its American counterpart. The British are certainly much more organized and systematic in their approach to policing than we are. It was also interesting to note that much of what the British are experimenting is being examined in similar experiments in this country, in one form or another. The comparisons add to the interest with which I read the book.

This book, limitations notwithstanding, is worth reading. Administrators interested in new approaches might find the book valuable and instructors in comparative law enforcement might make use of the work as well.

Now available from The John Jay Press:

## Police Ethics:

*Hard Choices in Law Enforcement*

Edited by  
William C. Heffernan  
and  
Timothy Stroup

*A book whose time has come*

Hardcover: \$21.95

Paperback: \$16.95

Available from The John Jay Press, 444 West 56th Street,  
New York, New York 10019.



# Jobs

**Deputy Sheriff.** The Lane County (Eugene), Ore., Department of Public Safety is accepting applications. Qualifications include high school diploma (preferably two years of college), two years experience in a position dealing with the public (preferably as a

law enforcement or correction officer), at least 21 years of age and a U.S. citizen. Employees may be assigned to the department's Corrections Division or Patrol, Criminal Investigation or Civil Sections at any time during employment. Applicants must pass physical agility, written and oral examinations, a thorough background investigation and physical exam. Applicants may be required to submit to psychological testing.

Salary ranges from \$1,601.60 to \$2,145.87 per month. Direct inquiries to: Lynn Stimson, Administrative Staff Assistant, Lane County Department of Public Safety, County Courthouse, Eugene, OR 97401. (503) 687-4069.

**Deputy Sheriff.** The Brevard County, Fla., Sheriff's Department is accepting applications on a continuous basis for deputy

sheriff positions.

Applicants must be at least 19 years old and possess a high school diploma or G.E.D., have normal vision and excellent health, and be a U.S. citizen of good character with no record of conviction for a felony or misdemeanor involving moral turpitude. Applicants must be currently certified.

Starting salary is \$15,040, with eligibility for a 5 percent increase after one year. Excellent benefits, including paid education beyond high school, paid life and health insurance, paid retirement benefits, nine holidays per year and department-provided uniforms. Applicants must pass Civil Service exam, psychological exam, physical, polygraph exam and oral interview, and background check.

For more information, contact: Geri Geiger, Personnel Officer, Brevard County Sheriff's Department, 2575 N. Courtenay Pkwy., Merritt Island, FL 32953. (305) 453-9521.

**Assistant Professor.** The Department of Social and Cultural Sciences at Marquette University is seeking applications to fill a tenure-track position in sociology beginning in August 1987.

Applicants must be competent to teach criminology and criminal justice courses. To apply, send vita and the names and addresses of three professional references to: Chairman, Department of Social and Cultural Sciences, Marquette University, Milwaukee, WI 53233. Deadline is Nov. 15, 1986.

**State Troopers.** The Commonwealth of Pennsylvania is accepting applications for entry-level positions with the Pennsylvania State Police.

Applicants must be between 20 and 29 years of age and possess high school diploma or GED.

Weight should be proportionate to height, and vision must be at least 20/70, correctable to 20/40. All candidates must be U.S. citizens of good moral character and a resident of Pennsylvania for at least one year prior to making preliminary application.

Applicants for the positions, which are non-Civil Service, must pass written exam, strength and agility test, physical exam, background investigation and oral interview.

Salary is \$536.80 biweekly during academy training and starts at \$16,024 annually upon graduation. Overtime and shift differential paid, along with annual clothing maintenance allowance.

To apply or obtain additional information, write to: Director, Bureau of Personnel, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110.

**Police Officer.** The Las Vegas Metropolitan Police Department is accepting applications for entry-level police officer positions.

Applicants must at least 21 years of age (no maximum) at time of testing, and must be a U.S. citizen with high school

diploma or GED certificate. Applicants must also have vision no worse than 20/200 in each eye.

Excellent starting salary offered, along with comprehensive benefits package. Generous holidays, along with paid vacation and sick leave and excellent retirement benefits.

To obtain additional information or to apply, write or call: Las Vegas Metropolitan Police Department, Personnel Bureau, 400 E. Stewart, Las Vegas, NE 89101. (702) 386-3497.

**Part-Time Faculty.** A number of part-time teaching positions in criminal justice are available at California State University in Fullerton. Courses to be taught include criminal law, psychiatry and crime, juvenile justice administration and corrections.

A Ph.D. in criminal justice or a related field is preferred. Candidates with demonstrated teaching or professional experience in the field of criminal justice will be given preference.

To apply, send resume to: Dr. W. Garrett Capune, Department of Criminal Justice, California State University, Fullerton, CA 92634.

## POLICE OFFICERS Rochester, New York

The Rochester Police Department is currently accepting applications for lateral transfers of police officers. The Rochester Police Department consists of 614 sworn personnel and serves a community located on Lake Ontario of 244,000 people. The starting salary for a lateral transfer will be \$25,725 plus 13 paid holidays and a night shift differential, increasing within two years to \$29,938 plus holiday pay and night shift differential.

### Qualifications

Applicants must presently hold a position as a police officer pursuant to New York State Civil Service Law; they must be currently employed in New York State; they must be presently enrolled in the New York State Police and Firemen's Retirement System, and they must be certified by the New York State Bureau for Municipal Police. Minority officers are strongly urged to apply for these positions. Forward resumes to: Lieut. Charles Koerner, Rochester Police Department, 150 South Plymouth Avenue, Rochester, NY 14614.

## POLICE CHIEF Effingham, Illinois Population: 15,000

Salary: \$29,000 - \$36,000

Commission form of government. Department operates with 30 full-time employees and \$800,000 budget. Qualifications include bachelor's degree in police administration or related field, preferably supplemented by advanced management training at the FBI National Academy or the equivalent, plus 10 years of progressively responsible municipal law enforcement experience, including at least 3 years in a command or staff position.

Candidates should possess excellent leadership skills plus demonstrated ability in community and employee relations and training. Send resume no later than Nov. 15, 1986, to:

Resource Management Associates  
301 White Street, Suite B  
Frankfort, IL 60423

## Assistant Professor of Criminal Justice

Opening for tenure-track Assistant Professor of Criminal Justice for Fall 1987. Ph.D. in Criminal Justice preferred; Ph.D. in closely allied field considered. Position requires strong commitment to research and publication as well as excellent teaching/advising/service capability. Strong multidisciplinary program depends on small criminal justice faculty for a core of criminal justice courses strongly emphasizing educational and intellectual pursuits as opposed to technical training. Competitive and selective student admissions guarantees small, high quality classes placing emphasis on excellence. February 15, 1987, is deadline for applications. Send letter of application, curriculum vita and three current letters of reference to:

Clyde R. Willis, Ph.D., Dean  
College of Health and Human Services  
Bowling Green State University  
Bowling Green, OH 43403-0280

## From the library:

# Four welcome works on England

Continued from Page 13

theoretical opus, but rather a very practical, very realistic guide to modern management approaches and their application within the law enforcement agency. The authors are conversant with police and management research and experimentation in the United States and England and, like Ms. Weatheritt, can be quite critical of the reluctance of police administrators to make use of it in the organization and management of their forces. Like P. J. Stead, they pay quite a bit of attention to training problems and are especially good at defining the major political and social issues which have had or will have significant impact on police management methods and policies. This book should prove as useful in the classroom as it will be in the chief constable's office.

In "The Politics of the Police," Robert Reiner, who teaches the sociology of law at the University of Bristol, addresses the question: What kind of police have we got, and what kind of police do we want? (This, by the way, is a question discussed some years ago by P. J. Stead and John Alderson in "The Police We Deserve.") The role, powers and operational policies of the police, both in Britain and the United States, have been matters of challenge and debate since the end of World War II. Much of the debate has been carried on outside the police establishment — in legislatures, public commissions, the media, the halls of academe and, importantly, by militantly anti-police organizations across the political spectrum. In neither country has the police articulated a viable philosophy — or indeed made

much more than a petulant response to well-founded criticisms. The police profession is not monolithic — few can speak confidently for such disparate elements as the rank and file, the police unions, the specialist groups, the civilians employed in police agencies, the university and staff college graduates — and even the major administrators are not infrequently at odds in their views. Reiner handles this problem critically but objectively and in so doing gives us a thoughtful, valuable guide to understanding and perhaps resolving these controversies.

No criminal justice library — and certainly no teacher or student of comparative police systems — can carry on without these very timely and important contributions to the literature on the British police.

Second Annual Symposium  
Contemporary Issues in Law Enforcement

## "Drug Use and Testing in Policing"

presented jointly by

The Center for Applied Criminal Justice Research  
Department of Criminal Justice

Trenton State College  
and

The New Jersey State Association of Chiefs of Police

December 4, 1986

9 A.M. to 2 P.M.

Trenton State College

\$10.00 fee (includes luncheon)

For additional information, call: Dr. Robert J. McCormack  
(609) 771-2442



# Upcoming Events

## DECEMBER

- 1-3. **Street Survival II.** Presented by Calibre Press. To be held in Appleton, Wis. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).
- 1-3. **Introductory Microcomputer Workshop for the Police Manager.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$325.
- 1-5. **Annual Conference of the International Association for Civilian Oversight of Law Enforcement.** To be held in Miami Beach, Fla. Fee: \$100 (IACOLE members); \$125 (non-members).
- 1-5. **Microcomputer Workshop for Police Applications.** Presented by the Institute of Police Technology & Management. Fee: \$450.
- 1-5. **Technical Surveillance I.** Presented by the National Intelligence Academy. To be held in Fort Lauderdale, Fla. Fee: \$650.
- 1-5. **Seminar for the Police Training Officer.** Presented by the Institute of Police Technology & Management. Fee: \$325.
- 1-5. **Progressive Patrol Administration.** Presented by the International Association of Chiefs of Police. To be held in New Orleans. Fee: \$425 (member agencies); \$475 (non-member agencies).
- 1-5. **Analytical Investigation Methods.** Presented by the Organized Crime Institute, Florida Department of Law Enforcement. To be held in Orlando. Fee: \$445.
- 1-5. **Police Executive Development.** Presented by the Institute of Police Technology & Management. Fee: \$350.
- 1-5. **Emergency Preparedness.** Presented by the Florida Institute for Law Enforcement. To be held in St. Petersburg. Fee: \$200.
- 1-5. **Narcotic Identification and Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$350.
- 1-5. **Police-Medical Investigation of Death.** Presented by the International Association of Chiefs of Police. To be held in Key Biscayne, Fla. Fee: \$425 (member agencies); \$475 (non-member agencies).
- 1-6. **Mid-Level Management Course.**

Presented by the Police Management Institute, University of Houston-Downtown. To be held in Houston. Fee: \$495.

1-12. **Crime Prevention Technology and Programming.** Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$650.

2. **Care and Feeding of the Whole Brain for Police Managers.** Presented by the Southwestern Law Enforcement Institute. To be held in Ocala.

2-4. **Terrorism - Preparing for the Threat.** Presented by the International Association of Chiefs of Police. To be held in Oaytona Beach, Fla. Fee: \$450 (member agencies); \$500 (non-member agencies).

3-4. **High Risk Incident Management.** Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$225.

4-5. **Improving Police Management.** Presented by the Police Management Association. To be held Tucson, Ariz. Fee: \$50.

4-5. **Third Annual Conference on Criminal Justice Statistics in New York City.** Co-sponsored by John Jay College of Criminal Justice and the New York Metropolitan Area chapter and the Committee on Law and Justice Statistics of the American Statistical Association. For further information, contact: Prof. Lily E. Christ, Mathematics Department, John Jay College of Criminal Justice, 445 West 59th Street, New York, NY 10019.

8-10. **EMT Mechanics of Control Instructor Course.** Presented by the Criminal Justice Center Police Academy, Sam Houston State University. To be held in Huntsville, Tex. Fee: \$250.

8-11. **Managing for Effective Discipline.** Presented by the International Association of Chiefs of Police. To be held in San Diego. Fee: \$375 (member agencies); \$425 (non-member agencies).

**Advanced Video Production.** Presented by the Institute of Police Technology & Management. To be held in Fairfax, Va. Fee: \$375.

8-12. **Supervision of Police Personnel.** Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$300.

8-12. **Field Training Officers' Seminar.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$350.

8-12. **Managing the Criminal Investigation Function.** Presented by the International Association of Chiefs of Police. To be held in San Antonio, Tex. Fee: \$425 (member agencies); \$475 (non-member agencies).

8-12. **Locks and Locking Devices.** Presented by the National Intelligence Academy. Fee: \$650.

8-12. **Microcomputer Programming with a Database Management System.** Presented by the Institute of Police Technology & Management. Fee: \$575.

8-12. **Terrorism.** Presented by the Florida Institute for Law Enforcement. Fee: \$200.

8-12. **Police Records Management.** Presented by the International Association of Chiefs of Police. To be held in Las Vegas. Fee: \$425 (member agencies); \$475 (non-member agencies).

8-19. **Traffic Accident Reconstruction.** Presented by the Traffic Institute. Fee: \$650.

9. **Interview and Interrogation.** Presented by the Criminal Justice Training & Education Center. To be held in Toledo, Ohio. Fee: \$145.

9-10. **Industrial Espionage and Countermeasures.** Presented by Ross Engineering Inc. To be held in Miami.

10-12. **Special Problems in Police Internal Affairs.** Presented by the Institute of Police Technology & Management. Fee: \$295.

11-12. **Hostage Negotiations.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Washington, O.C. Fee: \$350.

11-12. **Emergency Communications Operators Course.** Presented by the Criminal Justice Center Police Academy, Sam Houston State University. Fee: \$50.

15-17. **Street Survival II.** Presented by Calibre Press. To be held in San Diego. Fee: \$110 (all three days); \$75 (first two days only); \$50 (third day only).

15-19. **Police and Media Relations.**

Presented by the Florida Institute for Law Enforcement. Fee: \$200.

## JANUARY 1987

5-6. **Civil Liability.** Presented by the Florida Institute for Law Enforcement. To be held in St. Petersburg, Fla.

5-9. **Traffic Accident Records & Analysis.** Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$400.

5-16. **At-Scene Traffic Accident/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$475.

5-16. **Homicide Investigation.** Presented by the Southern Police Institute. To be held in Louisville, Ky. Fee: \$600.

5-March 13. **Sebel of Police Staff & Command.** Presented by the Traffic Institute. Fee: \$1,800.

7-9. **Executive Development.** Presented by the Florida Institute for Law Enforcement. Fee: \$200.

12-14. **Investigating the Use of Deadly Force by Police.** Presented by the International Association of Chiefs of Police. To be held in San Diego.

12-14. **Administration, Management & Supervision of the Field Training Officer Program.** Presented by the Institute of Police Technology & Management. To be held in Fort Lauderdale, Fla. Fee: \$295.

12-14. **The Public Safety Concept for Administrators.** Presented by the International Association of Chiefs of Police. To be held in Phoenix.

12-14. **Crime Prevention for Administrators.** Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$250.

12-14. **International Conference on Assessment Centers.** Presented by the International Association of Chiefs of Police. To be held in Phoenix.

12-16. **Drug Unit Commanders' Seminar.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$350.

12-23. **Supervising a Selective Traffic Law Enforcement Program.** Presented by the Institute of Police Technology & Management. Fee: \$475.

12-March 20. **Command & Management School.** Presented by the Southwestern Law Enforcement Institute. To be held in Dallas. Fee: \$1,000 plus \$150 for books.

15-16. **Investigative Technology.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Orlando, Fla. Fee: \$350.

16-18. **Workshop for Recently Appointed Chiefs: Part I.** Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla.

19-21. **POLEX Legal Forum VII.** Presented by the Police Executive Development Institute, Pennsylvania State University. To be held in State College, Pa. Fee: \$225.

19-23. **Sea Crime Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$350.

19-23. **Crime Prevention through Environmental Design.** Presented by the National Crime Prevention Institute. Fee: \$325.

19-23. **Terrorism Conference.** Presented by the Florida Department of Law Enforcement, Organized Crime Institute. To be held in Tallahassee. Fee: \$300 (state residents); \$375 (non-residents).

19-30. **U.S. Armed Forces Traffic Management/Accident Prevention.** Presented by the Traffic Institute. Fee: \$550.

19-30. **At-Scene Traffic Accident/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$475.

19-30. **Police Executive Development.** Presented by the Southern Police Institute. Fee: \$500.

20-23. **Police Internal Affairs.** Presented by the Institute of Police Technology & Management. Fee: \$325.

20-30. **Firearms Instructor Certification Program.** Presented by the International Association of Chiefs of Police. To be held in Phoenix.

21-23. **Administering a Small Law Enforcement Agency.** Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla.

28-27. **Corporate Aircraft Security.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Orlando, Fla. Fee: \$350.

28-28. **Crime Analysis I.** Presented by the International Association of Chiefs of Police. To be held in Orlando, Fla.

28-28. **Police Discipline.** Presented by the Institute of Police Technology & Management. Fee: \$300.

28-28. **Managing Hazardous Materials Incidents.** Presented by the International Association of Chiefs of Police. To be held in San Diego.

28-28. **Police Oplestcher Training.** Presented by the Florida Institute for Law Enforcement.

28-28. **Corporate Loss Prevention.** Presented by the National Crime Prevention Institute. Fee: \$250.

28-28. **Developing School Drug Education Programs.** Presented by the International Association of Chiefs of Police. To be held in Washington, O.C.

28-30. **DWI Instructor Course.** Presented by the Institute of Police Technology & Management. Fee: \$325.

28-30. **Selective Highway Drug Enforcement.** Presented by the Institute of Police Technology & Management. Fee: \$350.

28-Feb. 6. **Managing Small & Medium Sized Police Departments.** Presented by the Traffic Institute. Fee: \$550.

28-29. **Physical Security: Hotels, Motels & Offices.** Presented by Richard W. Kobetz & Associates Ltd. To be held in Orlando, Fla. Fee: \$350.

**Follow the crowd...  
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page of Law Enforcement  
News. Send in your listings  
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## Directory of Training Sources

American Society for Industrial Security, 1665 North Fort Myer Drive, Suite 1200, Arlington, VA 22209 (703) 622-5800.

ANACAPA Sciences Inc., Law Enforcement Programs, Drawer Q, Santa Barbara, CA 93102.

Broward County Criminal Justice Institute, Broward Community College, 3501 S.W. Davie Road, Ft. Lauderdale, FL 33314 (305) 475-6790.

Calibre Press, 656 Dundee Rd., Suite 1607, Northbrook, IL 60062.

California Planners, P.O. Box 5137, Berkeley, CA 94705. (415) 486-8340.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106. (216) 368-3308.

Criminal Justice Center, John Jay College of Criminal Justice, 444 West 56th Street, New York, NY 10019. (212) 247-1600.

Criminal Justice & Public Safety Training Center, 3055 Brighton-Henrietta Town Line Road, Rochester, NY 14623-2790. (716) 427-7710.

Criminal Justice Training Center, Modesto Junior College, 2201 Blue Gum Avenue, P.O. Box 4065, Modesto, CA 95352. (209) 575-6487.

Criminal Justice Training and Education Center, Attn: Ms. Jeanne L. Klein, 945 S. Oetroit Avenue, Toledo, OH 43614. (419) 382-5665.

Dellaquency Control Institute, Tyler Building, 3601 South Flower Street, Los Angeles, CA 90007.

Eastern Kentucky University, Training Resource Center, 106 Stratton Building, Richmond, KY 40475. (606) 622-1155.

Eastman Kodak Company, Attn: Lee Schilling, Law Enforcement & Security Markets, 343 State Street, 5th Floor, Building 20, Rochester, NY 14650.

Essex Institute of Public Service, 601 Broad Street, SE, Gainesville, GA 30601. (404) 535-8104.

Florida Department of Law Enforcement, Organized Crime Institute, P.O. Box 1489, Tallahassee, FL 32302, (904) 488-1340.

Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733.

Institute of Police Technology and Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216.

International Association for Civilian Oversight of Law Enforcement, c/o Independent Review Panel, 73 West Flagler Street, Suite 1902, Miami, FL 33130. (305) 375-4880.

International Association of Chiefs of Police, 13 Firstfield Road, Geithersburg, MO 20878. (301) 948-0922; (800) 638-4085.

International Association for Hospital Security, P.D. Box 637, Lombard, IL 60148. (312) 953-0990.

International Society of Crime Prevention Practitioners, Attn: Onve Butzer, (603) 796-3126.

Kent State Police Training Academy, Stockdale Safety Building, Kent, OH 44242. (216) 672-3070.

Milwaukee Area Technical College, 1015 North Sixth Street, Milwaukee, Wis 53203.

Narcotic Enforcement Officers

Association, P.O. Box 999, Oarien, CT 06820. (203) 655-2905.

National Alliance for Safe Schools, 601 North Interregional, Austin, TX 78702. (512) 396-8686.

National Association of Police Planners, c/o Ms. Lillian Taylor, Portsmouth Police Department, 711 Crawford Street, Portsmouth, VA 23704. (804) 393-8289.

National College of Juvenile Justice, P.O. Box 8970, Reno, NV 89507. (702) 784-8012.

National Council of Juvenile and Family Court Judges, P.O. Box 8970, Reno, NV 89507.

National Crime Prevention Institute, School of Justice Administration, University of Louisville, Louisville, KY 40292.

National Intelligence Academy, Attn: David O. Barrett, 1300 Northwest 62nd Street, Ft. Lauderdale, FL 33309. Telephone: (305) 776-5600.

National Police Institute, 405 Humphreys Building, Central Missouri State University, Warrensburg, MO 64093-5119.

National Training Center of Polygraph Science, 200 West 57th Street, Suite 1400, New York, NY 10019. (212) 755-6241.

New England Institute of Law Enforcement Management, Babson College, Drawer E, Babson Park, MA 02157.

Pennsylvania State University, S-159 Human Development Bldg., University Park, PA 16802.

Peregrine Institute of Security, 68 Vestry Street, New York, NY 10013. (212) 431-1016.

Police Executive Development Institute (POLEX), The Pennsylvania State University, S159 Human Development Building, University Park, PA 16802. (814) 863-0252.

Police Management Association, 1001 22nd Street NW, Suite 200, Washington, DC 20037. (202) 633-1460.

Police Management Institute, University of Houston-Downtown, 1 Main Street, Room 1001-South, Houston, TX 77002. (713) 221-8690 (in state); 1-800-527-3127 (outside Texas).

Professional Police Services Inc., P.O. Box 10902, St. Paul, MN 55110. (612) 464-1080.

Ricard W. Kobetz and Associates, North Mountain Pines Training Center, Arcadia Manor, Route Two, Box 100, Berryville, VA 22611. (703) 955-1128 (24-hour desk).

Ross Engineering Inc., 7906 Hope Valley Court, Adamstown, MD 21710. (301) 831-8400.

Sam Houston State University, Criminal Justice Center Police Academy, Box 2295, Huntsville, TX 77341.

Southern Police Institute, Attn: Ms Shirley Beck, University of Louisville, Louisville, KY 40292. (502) 588-6561.

Southwestern Law Enforcement Institute, P.O. Box 707, Richardson, TX 75080. (214) 690-2370.

Traffic Institute, 555 Clark Street, P.O. Box 1409, Evanston, IL 60204.



# Law Enforcement News

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October 28, 1988

## Gimme a Sicilian, to go. . .

One after another, high-level Sicilian mafiosi are being rounded up and put on trial, as Italy presses its war on organized crime. Nearly 300 mobsters are in the dock in one trial in Messina, and the presiding judge of that trial offers a rare behind-the-scenes look in a special LEN interview. **On 9.**



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